



321900

LEGISLATIVE ACTION

Senate

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House

Senator Ring moved the following:

Senate Amendment (with title amendment)

Delete lines 205 - 803

and insert:

Section 3. Paragraphs (d) and (f) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

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

(d) *Unit owner meetings.*—



321900

12 1. An annual meeting of the unit owners shall be held at
13 the location provided in the association bylaws and, if the
14 bylaws are silent as to the location, the meeting shall be held
15 within 45 miles of the condominium property. However, such
16 distance requirement does not apply to an association governing
17 a timeshare condominium.

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



321900

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



321900

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



321900

99 each unit owner at the address last furnished to the association
100 by the unit owner, or hand delivered to each unit owner.
101 However, if a unit is owned by more than one person, the
102 association must provide notice to the address that the
103 developer identifies for that purpose and thereafter as one or
104 more of the owners of the unit advise the association in
105 writing, or if no address is given or the owners of the unit do
106 not agree, to the address provided on the deed of record. An
107 officer of the association, or the manager or other person
108 providing notice of the association meeting, must provide an
109 affidavit or United States Postal Service certificate of
110 mailing, to be included in the official records of the
111 association affirming that the notice was mailed or hand
112 delivered in accordance with this provision.

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

120 a. At least 60 days before a scheduled election, the
121 association shall mail, deliver, or electronically transmit, by
122 separate association mailing or included in another association
123 mailing, delivery, or transmission, including regularly
124 published newsletters, to each unit owner entitled to a vote, a
125 first notice of the date of the election. A unit owner or other
126 eligible person desiring to be a candidate for the board must
127 give written notice of his or her intent to be a candidate to



321900

128 the association at least 40 days before a scheduled election.
129 Together with the written notice and agenda as set forth in
130 subparagraph 3., the association shall mail, deliver, or
131 electronically transmit a second notice of the election to all
132 unit owners entitled to vote, together with a ballot that lists
133 all candidates. Upon request of a candidate, an information
134 sheet, no larger than 8 1/2 inches by 11 inches, which must be
135 furnished by the candidate at least 35 days before the election,
136 must be included with the mailing, delivery, or transmission of
137 the ballot, with the costs of mailing, delivery, or electronic
138 transmission and copying to be borne by the association. The
139 association is not liable for the contents of the information
140 sheets prepared by the candidates. In order to reduce costs, the
141 association may print or duplicate the information sheets on
142 both sides of the paper. The division shall by rule establish
143 voting procedures consistent with this sub-subparagraph,
144 including rules establishing procedures for giving notice by
145 electronic transmission and rules providing for the secrecy of
146 ballots. Elections shall be decided by a plurality of ballots
147 cast. There is no quorum requirement; however, at least 20
148 percent of the eligible voters must cast a ballot in order to
149 have a valid election. A unit owner may not permit any other
150 person to vote his or her ballot, and any ballots improperly
151 cast are invalid. A unit owner who violates this provision may
152 be fined by the association in accordance with s. 718.303. A
153 unit owner who needs assistance in casting the ballot for the
154 reasons stated in s. 101.051 may obtain such assistance. The
155 regular election must occur on the date of the annual meeting.
156 Notwithstanding this sub-subparagraph, an election is not



321900

157 required unless more candidates file notices of intent to run or
158 are nominated than board vacancies exist.

159 b. Within 90 days after being elected or appointed to the
160 board of an association of a residential condominium, each newly
161 elected or appointed director shall certify in writing to the
162 secretary of the association that he or she has read the
163 association's declaration of condominium, articles of
164 incorporation, bylaws, and current written policies; that he or
165 she will work to uphold such documents and policies to the best
166 of his or her ability; and that he or she will faithfully
167 discharge his or her fiduciary responsibility to the
168 association's members. In lieu of this written certification,
169 within 90 days after being elected or appointed to the board,
170 the newly elected or appointed director may submit a certificate
171 of having satisfactorily completed the educational curriculum
172 administered by a division-approved condominium education
173 provider within 1 year before or 90 days after the date of
174 election or appointment. The written certification or
175 educational certificate is valid and does not have to be
176 resubmitted as long as the director serves on the board without
177 interruption. A director of an association of a residential
178 condominium who fails to timely file the written certification
179 or educational certificate is suspended from service on the
180 board until he or she complies with this sub-subparagraph. The
181 board may temporarily fill the vacancy during the period of
182 suspension. The secretary shall cause the association to retain
183 a director's written certification or educational certificate
184 for inspection by the members for 5 years after a director's
185 election or the duration of the director's uninterrupted tenure,



321900

186 whichever is longer. Failure to have such written certification
187 or educational certificate on file does not affect the validity
188 of any board action.

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

191 5. Any approval by unit owners called for by this chapter
192 or the applicable declaration or bylaws, including, but not
193 limited to, the approval requirement in s. 718.111(8), must be
194 made at a duly noticed meeting of unit owners and is subject to
195 all requirements of this chapter or the applicable condominium
196 documents relating to unit owner decisionmaking, except that
197 unit owners may take action by written agreement, without
198 meetings, on matters for which action by written agreement
199 without meetings is expressly allowed by the applicable bylaws
200 or declaration or any law that provides for such action.

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

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

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



321900

215 division.

216 9. Unless otherwise provided in the bylaws, any vacancy
217 occurring on the board before the expiration of a term may be
218 filled by the affirmative vote of the majority of the remaining
219 directors, even if the remaining directors constitute less than
220 a quorum, or by the sole remaining director. In the alternative,
221 a board may hold an election to fill the vacancy, in which case
222 the election procedures must conform to sub-subparagraph 4.a.
223 unless the association governs 10 units or fewer and has opted
224 out of the statutory election process, in which case the bylaws
225 of the association control. Unless otherwise provided in the
226 bylaws, a board member appointed or elected under this section
227 shall fill the vacancy for the unexpired term of the seat being
228 filled. Filling vacancies created by recall is governed by
229 paragraph (j) and rules adopted by the division.

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

236

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



321900

244 proxy.

245 (f) *Annual budget.*—

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

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



321900

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

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

299 3. Reserve funds and any interest accruing thereon shall
300 remain in the reserve account or accounts, and may be used only
301 for authorized reserve expenditures unless their use for other



321900

302 purposes is approved in advance by a majority vote at a duly
303 called meeting of the association. Before ~~Prior to~~ turnover of
304 control of an association by a developer to unit owners other
305 than the developer pursuant to s. 718.301, the developer-
306 controlled association may ~~shall~~ not vote to use reserves for
307 purposes other than those ~~that~~ for which they were intended
308 without the approval of a majority of all nondeveloper voting
309 interests, voting in person or by limited proxy at a duly called
310 meeting of the association.

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

325 Section 4. Subsection (3) and paragraph (b) of subsection
326 (5) of section 718.116, Florida Statutes, are amended to read:

327 718.116 Assessments; liability; lien and priority;
328 interest; collection.—

329 (3) Assessments and installments on assessments which are
330 not paid when due bear interest at the rate provided in the



321900

331 declaration, from the due date until paid. The rate may not
332 exceed the rate allowed by law, and, if no rate is provided in
333 the declaration, interest accrues at the rate of 18 percent per
334 year. If provided by the declaration or bylaws, the association
335 may, in addition to such interest, charge an administrative late
336 fee of up to the greater of \$25 or 5 percent of each delinquent
337 installment for which the payment is late. Any payment received
338 by an association must be applied first to any interest accrued
339 by the association, then to any administrative late fee, then to
340 any costs and reasonable attorney ~~attorney's~~ fees incurred in
341 collection, and then to the delinquent assessment. The foregoing
342 is applicable notwithstanding s. 673.3111, any purported accord
343 and satisfaction, or any restrictive endorsement, designation,
344 or instruction placed on or accompanying a payment. The
345 preceding sentence is intended to clarify existing law. A late
346 fee is not subject to chapter 687 or s. 718.303(4).

347 (5)

348 (b) To be valid, a claim of lien must state the description
349 of the condominium parcel, the name of the record owner, the
350 name and address of the association, the amount due, and the due
351 dates. It must be executed and acknowledged by an officer or
352 authorized agent of the association. The lien is not effective 1
353 year after the claim of lien was recorded unless, within that
354 time, an action to enforce the lien is commenced. The 1-year
355 period is automatically extended for any length of time during
356 which the association is prevented from filing a foreclosure
357 action by an automatic stay resulting from a bankruptcy petition
358 filed by the parcel owner or any other person claiming an
359 interest in the parcel. The claim of lien secures all unpaid



321900

360 assessments that are due and that may accrue after the claim of
361 lien is recorded and through the entry of a final judgment, as
362 well as interest, administrative late fees, and all reasonable
363 costs and attorney attorney's fees incurred by the association
364 incident to the collection process. Upon payment in full, the
365 person making the payment is entitled to a satisfaction of the
366 lien.

367 Section 5. Section 718.128, Florida Statutes, is created to
368 read:

369 718.128 Electronic voting.—The association may conduct
370 elections and other unit owner votes through an Internet-based
371 online voting system if a unit owner consents, in writing, to
372 online voting and if the following requirements are met:

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

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

376 (b) For elections of the board, a method to transmit an
377 electronic ballot to the online voting system which ensures the
378 secrecy and integrity of each ballot.

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

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

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

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

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

388 (d) For elections of the board of administration, able to



321900

389 permanently separate any authentication or identifying
390 information from the electronic election ballot, rendering it
391 impossible to tie an election ballot to a specific unit owner.

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

394 (3) A unit owner voting electronically pursuant to this
395 section shall be counted as being in attendance at the meeting
396 for purposes of determining a quorum. A substantive vote of the
397 unit owners may not be taken on any issue other than the issues
398 specifically identified in the electronic vote, when a quorum is
399 established based on unit owners voting electronically pursuant
400 to this section.

401 (4) This section applies to an association that provides
402 for and authorizes an online voting system pursuant to this
403 section by a board resolution. The board resolution must provide
404 that unit owners receive notice of the opportunity to vote
405 through an online voting system, must establish reasonable
406 procedures and deadlines for unit owners to consent, in writing,
407 to online voting, and must establish reasonable procedures and
408 deadlines for unit owners to opt out of online voting after
409 giving consent. Written notice of a meeting at which the
410 resolution will be considered must be mailed, delivered, or
411 electronically transmitted to the unit owners and posted
412 conspicuously on the condominium property or association
413 property at least 14 days before the meeting. Evidence of
414 compliance with the 14-day notice requirement must be made by an
415 affidavit executed by the person providing the notice and filed
416 with the official records of the association.

417 (5) A unit owner's consent to online voting is valid until



321900

418 the unit owner opts out of online voting according to the
419 procedures established by the board of administration pursuant
420 to subsection (4).

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

424 Section 6. Subsections (3), (4), and (5) of section
425 718.303, Florida Statutes, are amended, and subsection (7) is
426 added to that section, to read:

427 718.303 Obligations of owners and occupants; remedies.—

428 (3) The association may levy reasonable fines for the
429 failure of the owner of the unit or its occupant, licensee, or
430 invitee to comply with any provision of the declaration, the
431 association bylaws, or reasonable rules of the association. A
432 fine may not become a lien against a unit. A fine may be levied
433 by the board on the basis of each day of a continuing violation,
434 with a single notice and opportunity for hearing before a
435 committee as provided in paragraph (b). However, the fine may
436 not exceed \$100 per violation, or \$1,000 in the aggregate.

437 (a) An association may suspend, for a reasonable period of
438 time, the right of a unit owner, or a unit owner's tenant,
439 guest, or invitee, to use the common elements, common
440 facilities, or any other association property for failure to
441 comply with any provision of the declaration, the association
442 bylaws, or reasonable rules of the association. This paragraph
443 does not apply to limited common elements intended to be used
444 only by that unit, common elements needed to access the unit,
445 utility services provided to the unit, parking spaces, or
446 elevators.



321900

447 (b) A fine or suspension levied by the board of
448 administration may not be imposed unless the board association
449 first provides at least 14 days' written notice and an
450 opportunity for a hearing to the unit owner and, if applicable,
451 its occupant, licensee, or invitee. The hearing must be held
452 before a committee of other unit owners who are neither board
453 members nor persons residing in a board member's household. The
454 role of the committee is limited to determining whether to
455 confirm or reject the fine or suspension levied by the board. If
456 the committee does not agree, the fine or suspension may not be
457 imposed.

458 (4) If a unit owner is more than 90 days delinquent in
459 paying a fee, fine, or other monetary obligation due to the
460 association, the association may suspend the right of the unit
461 owner or the unit's occupant, licensee, or invitee to use common
462 elements, common facilities, or any other association property
463 until the fee, fine, or other monetary obligation is paid in
464 full. This subsection does not apply to limited common elements
465 intended to be used only by that unit, common elements needed to
466 access the unit, utility services provided to the unit, parking
467 spaces, or elevators. The notice and hearing requirements under
468 subsection (3) do not apply to suspensions imposed under this
469 subsection.

470 (5) An association may suspend the voting rights of a unit
471 or member due to nonpayment of any fee, fine, or other monetary
472 obligation due to the association which is more than 90 days
473 delinquent. A voting interest or consent right allocated to a
474 unit or member which has been suspended by the association shall
475 be subtracted from ~~may not be counted towards~~ the total number



476 of voting interests in the association, which shall be reduced
477 by the number of suspended voting interests when calculating the
478 total percentage or number of all voting interests available to
479 take or approve any action, and the suspended voting interests
480 may not be considered for any purpose, including, but not
481 limited to, the percentage or number of voting interests
482 necessary to constitute a quorum, the percentage or number of
483 voting interests required to conduct an election, or the
484 percentage or number of voting interests required to approve an
485 action under this chapter or pursuant to the declaration,
486 articles of incorporation, or bylaws. The suspension ends upon
487 full payment of all obligations currently due or overdue the
488 association. The notice and hearing requirements under
489 subsection (3) do not apply to a suspension imposed under this
490 subsection.

491 (7) The suspensions permitted by paragraph (3) (a) and
492 subsections (4) and (5) apply to a member and, when appropriate,
493 the member's tenants, guests, or invitees, even if the
494 delinquency or failure that resulted in the suspension arose
495 from fewer than all of the multiple units owned by a member.

496 Section 7. Section 718.707, Florida Statutes, is amended to
497 read:

498 718.707 Time limitation for classification as bulk assignee
499 or bulk buyer.—A person acquiring condominium parcels may not be
500 classified as a bulk assignee or bulk buyer unless the
501 condominium parcels were acquired on or after July 1, 2010, but
502 before July 1, 2018 ~~2016~~. The date of such acquisition shall be
503 determined by the date of recording a deed or other instrument
504 of conveyance for such parcels in the public records of the



321900

505 county in which the condominium is located, or by the date of
506 issuing a certificate of title in a foreclosure proceeding with
507 respect to such condominium parcels.

508 Section 8. Paragraph (a) of subsection (2) of section
509 719.104, Florida Statutes, is amended to read:

510 719.104 Cooperatives; access to units; records; financial
511 reports; assessments; purchase of leases.-

512 (2) OFFICIAL RECORDS.-

513 (a) From the inception of the association, the association
514 shall maintain a copy of each of the following, where
515 applicable, which shall constitute the official records of the
516 association:

517 1. The plans, permits, warranties, and other items provided
518 by the developer pursuant to s. 719.301(4).

519 2. A photocopy of the cooperative documents.

520 3. A copy of the current rules of the association.

521 4. A book or books containing the minutes of all meetings
522 of the association, of the board of directors, and of the unit
523 owners, which minutes shall be retained for a period of not less
524 than 7 years.

525 5. A current roster of all unit owners and their mailing
526 addresses, unit identifications, voting certifications, and, if
527 known, telephone numbers. The association shall also maintain
528 the electronic mailing addresses and the numbers designated by
529 unit owners for receiving notice sent by electronic transmission
530 of those unit owners consenting to receive notice by electronic
531 transmission. The electronic mailing addresses and numbers
532 provided by unit owners to receive notice by electronic
533 transmission shall be removed from association records when



321900

534 consent to receive notice by electronic transmission is revoked.
535 However, the association is not liable for an erroneous
536 disclosure of the electronic mail address or the number for
537 receiving electronic transmission of notices.

538 6. All current insurance policies of the association.

539 7. A current copy of any management agreement, lease, or
540 other contract to which the association is a party or under
541 which the association or the unit owners have an obligation or
542 responsibility.

543 8. Bills of sale or transfer for all property owned by the
544 association.

545 9. Accounting records for the association and separate
546 accounting records for each unit it operates, according to good
547 accounting practices. All accounting records shall be maintained
548 for a period of not less than 7 years. The accounting records
549 shall include, but not be limited to:

550 a. Accurate, itemized, and detailed records of all receipts
551 and expenditures.

552 b. A current account and a monthly, bimonthly, or quarterly
553 statement of the account for each unit designating the name of
554 the unit owner, the due date and amount of each assessment, the
555 amount paid upon the account, and the balance due.

556 c. All audits, reviews, accounting statements, and
557 financial reports of the association.

558 d. All contracts for work to be performed. Bids for work to
559 be performed shall also be considered official records and shall
560 be maintained for a period of 1 year.

561 10. Ballots, sign-in sheets, voting proxies, and all other
562 papers relating to voting by unit owners, which shall be



321900

563 maintained for a period of 1 year after the date of the
564 election, vote, or meeting to which the document relates.

565 11. All rental records where the association is acting as
566 agent for the rental of units.

567 12. A copy of the current question and answer sheet as
568 described in s. 719.504.

569 13. All other written records of the association not
570 specifically included in the foregoing which are related to the
571 operation of the association.

572 Section 9. Paragraph (d) of subsection (1) of section
573 719.106, Florida Statutes, is amended to read:

574 719.106 Bylaws; cooperative ownership.—

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

578 (d) *Shareholder meetings*.—There shall be an annual meeting
579 of the shareholders. All members of the board of administration
580 shall be elected at the annual meeting unless the bylaws provide
581 for staggered election terms or for their election at another
582 meeting. Any unit owner desiring to be a candidate for board
583 membership must comply with subparagraph 1. The bylaws must
584 provide the method for calling meetings, including annual
585 meetings. Written notice, which must incorporate an
586 identification of agenda items, shall be given to each unit
587 owner at least 14 days before the annual meeting and posted in a
588 conspicuous place on the cooperative property at least 14
589 continuous days preceding the annual meeting. Upon notice to the
590 unit owners, the board must by duly adopted rule designate a
591 specific location on the cooperative property upon which all



321900

592 notice of unit owner meetings are posted. In lieu of or in
593 addition to the physical posting of the meeting notice, the
594 association may, by reasonable rule, adopt a procedure for
595 conspicuously posting and repeatedly broadcasting the notice and
596 the agenda on a closed-circuit cable television system serving
597 the cooperative association. However, if broadcast notice is
598 used in lieu of a posted notice, the notice and agenda must be
599 broadcast at least four times every broadcast hour of each day
600 that a posted notice is otherwise required under this section.
601 If broadcast notice is provided, the notice and agenda must be
602 broadcast in a manner and for a sufficient continuous length of
603 time to allow an average reader to observe the notice and read
604 and comprehend the entire content of the notice and the agenda.
605 Unless a unit owner waives in writing the right to receive
606 notice of the annual meeting, the notice of the annual meeting
607 must be sent by mail, hand delivered, or electronically
608 transmitted to each unit owner. An officer of the association
609 must provide an affidavit or United States Postal Service
610 certificate of mailing, to be included in the official records
611 of the association, affirming that notices of the association
612 meeting were mailed, hand delivered, or electronically
613 transmitted, in accordance with this provision, to each unit
614 owner at the address last furnished to the association.

615 1. The board of administration shall be elected by written
616 ballot or voting machine. A proxy may not be used in electing
617 the board of administration in general elections or elections to
618 fill vacancies caused by recall, resignation, or otherwise
619 unless otherwise provided in this chapter.

620 a. At least 60 days before a scheduled election, the



321900

621 association shall mail, deliver, or transmit, whether by
622 separate association mailing, delivery, or electronic
623 transmission or included in another association mailing,
624 delivery, or electronic transmission, including regularly
625 published newsletters, to each unit owner entitled to vote, a
626 first notice of the date of the election. Any unit owner or
627 other eligible person desiring to be a candidate for the board
628 of administration must give written notice to the association at
629 least 40 days before a scheduled election. Together with the
630 written notice and agenda as set forth in this section, the
631 association shall mail, deliver, or electronically transmit a
632 second notice of election to all unit owners entitled to vote,
633 together with a ballot that lists all candidates. Upon request
634 of a candidate, the association shall include an information
635 sheet, no larger than 8 1/2 inches by 11 inches, which must be
636 furnished by the candidate at least 35 days before the election,
637 to be included with the mailing, delivery, or electronic
638 transmission of the ballot, with the costs of mailing, delivery,
639 or transmission and copying to be borne by the association. The
640 association is not liable for the contents of the information
641 sheets provided by the candidates. In order to reduce costs, the
642 association may print or duplicate the information sheets on
643 both sides of the paper. The division shall by rule establish
644 voting procedures consistent with this subparagraph, including
645 rules establishing procedures for giving notice by electronic
646 transmission and rules providing for the secrecy of ballots.
647 Elections shall be decided by a plurality of those ballots cast.
648 There is no quorum requirement. However, at least 20 percent of
649 the eligible voters must cast a ballot in order to have a valid



321900

650 election. A unit owner may not permit any other person to vote
651 his or her ballot, and any such ballots improperly cast are
652 invalid. A unit owner who needs assistance in casting the ballot
653 for the reasons stated in s. 101.051 may obtain assistance in
654 casting the ballot. Any unit owner violating this provision may
655 be fined by the association in accordance with s. 719.303. The
656 regular election must occur on the date of the annual meeting.
657 This subparagraph does not apply to timeshare cooperatives.
658 Notwithstanding this subparagraph, an election and balloting are
659 not required unless more candidates file a notice of intent to
660 run or are nominated than vacancies exist on the board. Any
661 challenge to the election process must be commenced within 60
662 days after the election results are announced.

663 b. Within 90 days after being elected or appointed to the
664 board, each new director shall certify in writing to the
665 secretary of the association that he or she has read the
666 association's bylaws, articles of incorporation, proprietary
667 lease, and current written policies; that he or she will work to
668 uphold such documents and policies to the best of his or her
669 ability; and that he or she will faithfully discharge his or her
670 fiduciary responsibility to the association's members. Within 90
671 days after being elected or appointed to the board, in lieu of
672 this written certification, the newly elected or appointed
673 director may submit a certificate of having satisfactorily
674 completed the educational curriculum administered by an
675 education provider as approved by the division pursuant to the
676 requirements established in chapter 718 within 1 year before or
677 90 days after the date of election or appointment. The
678 educational certificate is valid and does not have to be



321900

679 resubmitted as long as the director serves on the board without
680 interruption. A director who fails to timely file the written
681 certification or educational certificate is suspended from
682 service on the board until he or she complies with this sub-
683 subparagraph. The board may temporarily fill the vacancy during
684 the period of suspension. The secretary of the association shall
685 cause the association to retain a director's written
686 certification or educational certificate for inspection by the
687 members for 5 years after a director's election or the duration
688 of the director's uninterrupted tenure, whichever is longer.
689 Failure to have such written certification or educational
690 certificate on file does not affect the validity of any board
691 action.

692 2. Any approval by unit owners called for by this chapter,
693 or the applicable cooperative documents, must be made at a duly
694 noticed meeting of unit owners and is subject to this chapter or
695 the applicable cooperative documents relating to unit owner
696 decisionmaking, except that unit owners may take action by
697 written agreement, without meetings, on matters for which action
698 by written agreement without meetings is expressly allowed by
699 the applicable cooperative documents or law which provides for
700 the unit owner action.

701 3. Unit owners may waive notice of specific meetings if
702 allowed by the applicable cooperative documents or law. ~~If~~
703 ~~authorized by the bylaws,~~ Notice of meetings of the board of
704 administration, shareholder meetings, except shareholder
705 meetings called to recall board members under paragraph (f), and
706 committee meetings may be given by electronic transmission to
707 unit owners who consent to receive notice by electronic



321900

708 transmission.

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

713 5. Any unit owner may tape record or videotape meetings of
714 the unit owners subject to reasonable rules adopted by the
715 division.

716 6. Unless otherwise provided in the bylaws, a vacancy
717 occurring on the board before the expiration of a term may be
718 filled by the affirmative vote of the majority of the remaining
719 directors, even if the remaining directors constitute less than
720 a quorum, or by the sole remaining director. In the alternative,
721 a board may hold an election to fill the vacancy, in which case
722 the election procedures must conform to the requirements of
723 subparagraph 1. unless the association has opted out of the
724 statutory election process, in which case the bylaws of the
725 association control. Unless otherwise provided in the bylaws, a
726 board member appointed or elected under this subparagraph shall
727 fill the vacancy for the unexpired term of the seat being
728 filled. Filling vacancies created by recall is governed by
729 paragraph (f) and rules adopted by the division.

730
731 Notwithstanding subparagraphs (b)2. and (d)1., an association
732 may, by the affirmative vote of a majority of the total voting
733 interests, provide for a different voting and election procedure
734 in its bylaws, which vote may be by a proxy specifically
735 delineating the different voting and election procedures. The
736 different voting and election procedures may provide for



321900

737 elections to be conducted by limited or general proxy.

738 Section 10. Subsections (3) and (4) of section 719.108,
739 Florida Statutes, are amended to read:

740 719.108 Rents and assessments; liability; lien and
741 priority; interest; collection; cooperative ownership.—

742 (3) Rents and assessments, and installments on them, not
743 paid when due bear interest at the rate provided in the
744 cooperative documents from the date due until paid. This rate
745 may not exceed the rate allowed by law and, if a rate is not
746 provided in the cooperative documents, accrues at 18 percent per
747 annum. If the cooperative documents or bylaws so provide, the
748 association may charge an administrative late fee in addition to
749 such interest, not to exceed the greater of \$25 or 5 percent of
750 each installment of the assessment for each delinquent
751 installment that the payment is late. Any payment received by an
752 association must be applied first to any interest accrued by the
753 association, then to any administrative late fee, then to any
754 costs and reasonable attorney fees incurred in collection, and
755 then to the delinquent assessment. The foregoing applies
756 notwithstanding s. 673.3111, any purported accord and
757 satisfaction, or any restrictive endorsement, designation, or
758 instruction placed on or accompanying a payment. The preceding
759 sentence is intended to clarify existing law. A late fee is not
760 subject to chapter 687 or s. 719.303(4).

761 (4) The association has a lien on each cooperative parcel
762 for any unpaid rents and assessments, plus interest, and any
763 ~~authorized~~ administrative late fees. If authorized by the
764 cooperative documents, the lien also secures reasonable attorney
765 fees incurred by the association incident to the collection of



321900

766 the rents and assessments or enforcement of such lien. The lien
767 is effective from and after recording a claim of lien in the
768 public records in the county in which the cooperative parcel is
769 located which states the description of the cooperative parcel,
770 the name of the unit owner, the amount due, and the due dates.
771 Except as otherwise provided in this chapter, a lien may not be
772 filed by the association against a cooperative parcel until 30
773 days after the date on which a notice of intent to file a lien
774 has been delivered to the owner.

775 (a) The notice must be sent to the unit owner at the
776 address of the unit by first-class United States mail, and the
777 notice must be in substantially the following form:

778
779 NOTICE OF INTENT
780 TO RECORD A CLAIM OF LIEN

781
782 RE: Unit ...(unit number)... of ...(name of
783 cooperative)...

784
785 The following amounts are currently due on your
786 account to ...(name of association)..., and must be
787 paid within 30 days after your receipt of this letter.
788 This letter shall serve as the association's notice of
789 intent to record a Claim of Lien against your property
790 no sooner than 30 days after your receipt of this
791 letter, unless you pay in full the amounts set forth
792 below:

793
794 Maintenance due ...(dates)... \$.....



321900

795	Late fee, if applicable	\$.....
796	Interest through ...(dates)...*	\$.....
797	Certified mail charges	\$.....
798	Other costs	\$.....
799	TOTAL OUTSTANDING	\$.....

800

801 *Interest accrues at the rate of percent per
802 annum.

803 1. If the most recent address of the unit owner on the
804 records of the association is the address of the unit, the
805 notice must be sent by certified mail, return receipt requested,
806 to the unit owner at the address of the unit.

807 2. If the most recent address of the unit owner on the
808 records of the association is in the United States, but is not
809 the address of the unit, the notice must be sent by certified
810 mail, return receipt requested, to the unit owner at his or her
811 most recent address.

812 3. If the most recent address of the unit owner on the
813 records of the association is not in the United States, the
814 notice must be sent by first-class United States mail to the
815 unit owner at his or her most recent address.

816 (b) A notice that is sent pursuant to this subsection is
817 deemed delivered upon mailing. A claim of lien must be executed
818 and acknowledged by an officer or authorized agent of the
819 association. The lien is not effective 1 year after the claim of
820 lien was recorded unless, within that time, an action to enforce
821 the lien is commenced. The 1-year period is automatically
822 extended for any length of time during which the association is
823 prevented from filing a foreclosure action by an automatic stay



321900

824 resulting from a bankruptcy petition filed by the parcel owner
825 or any other person claiming an interest in the parcel. The
826 claim of lien secures all unpaid rents and assessments that are
827 due and that may accrue after the claim of lien is recorded and
828 through the entry of a final judgment, as well as interest and
829 all reasonable costs and attorney fees incurred by the
830 association incident to the collection process. Upon payment in
831 full, the person making the payment is entitled to a
832 satisfaction of the lien.

833 (c) By recording a notice in substantially the following
834 form, a unit owner or the unit owner's agent or attorney may
835 require the association to enforce a recorded claim of lien
836 against his or her cooperative parcel:

837
838 NOTICE OF CONTEST OF LIEN
839

840 TO: ...(Name and address of association)...:

841
842 You are notified that the undersigned contests the
843 claim of lien filed by you on, ...(year)..., and
844 recorded in Official Records Book at Page,
845 of the public records of County, Florida, and
846 that the time within which you may file suit to
847 enforce your lien is limited to 90 days from the date
848 of service of this notice. Executed this day of
849, ...(year)....

850 Signed: ...(Owner or Attorney)...

851
852 After notice of contest of lien has been recorded, the clerk of



321900

853 the circuit court shall mail a copy of the recorded notice to
854 the association by certified mail, return receipt requested, at
855 the address shown in the claim of lien or most recent amendment
856 to it and shall certify to the service on the face of the
857 notice. Service is complete upon mailing. After service, the
858 association has 90 days in which to file an action to enforce
859 the lien. If the action is not filed within the 90-day period,
860 the lien is void. However, the 90-day period shall be extended
861 for any length of time during which the association is prevented
862 from filing its action because of an automatic stay resulting
863 from the filing of a bankruptcy petition by the unit owner or by
864 any other person claiming an interest in the parcel.

865 (d) A release of lien must be in substantially the
866 following form:

867

868

RELEASE OF LIEN

869

870 The undersigned lienor, in consideration of the final payment in
871 the amount of \$...., hereby waives and releases its lien and
872 right to claim a lien for unpaid assessments through,
873 ...(year)..., recorded in the Official Records Book at Page
874, of the public records of County, Florida, for the
875 following described real property:

876

877 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO.
878 OF ... (NAME OF COOPERATIVE) ..., A COOPERATIVE AS SET
879 FORTH IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS
880 ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED
881 IN OFFICIAL RECORDS BOOK, PAGE, OF THE



321900

882 PUBLIC RECORDS OF COUNTY, FLORIDA.
883
884 ...(Signature of Authorized Agent)... ...(Signature of
885 Witness)...

886 ...(Print Name)... ...(Print Name)...

887
888 ...(Signature of Witness)...

889 ...(Print Name)...

890
891 Sworn to (or affirmed) and subscribed before me this day of
892, ...(year)..., by ...(name of person making statement)....
893 ...(Signature of Notary Public)...

894 ...(Print, type, or stamp commissioned name of Notary Public)...

895 Personally Known OR Produced as identification.

896 Section 11. Section 719.129, Florida Statutes, is created
897 to read:

898 719.129 Electronic voting.-The association may conduct
899 elections and other unit owner votes through an Internet-based
900 online voting system if a unit owner consents, in writing, to
901 online voting and if the following requirements are met:

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

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

905 (b) For elections of the board, a method to transmit an
906 electronic ballot to the online voting system which ensures the
907 secrecy and integrity of each ballot.

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



321900

911 (2) The association uses an online voting system that is:
912 (a) Able to authenticate the unit owner's identity.
913 (b) Able to authenticate the validity of each electronic
914 vote to ensure that the vote is not altered in transit.
915 (c) Able to transmit a receipt from the online voting
916 system to each unit owner who casts an electronic vote.
917 (d) For elections of the board of administration, able to
918 permanently separate any authentication or identifying
919 information from the electronic election ballot, rendering it
920 impossible to tie an election ballot to a specific unit owner.
921 (e) Able to store and keep electronic votes accessible to
922 election officials for recount, inspection, and review purposes.
923 (3) A unit owner voting electronically pursuant to this
924 section shall be counted as being in attendance at the meeting
925 for purposes of determining a quorum. A substantive vote of the
926 unit owners may not be taken on any issue other than the issues
927 specifically identified in the electronic vote, when a quorum is
928 established based on unit owners voting electronically pursuant
929 to this section.
930 (4) This section applies to an association that provides
931 for and authorizes an online voting system pursuant to this
932 section by a board resolution. The board resolution must provide
933 that unit owners receive notice of the opportunity to vote
934 through an online voting system, must establish reasonable
935 procedures and deadlines for unit owners to consent, in writing,
936 to online voting, and must establish reasonable procedures and
937 deadlines for unit owners to opt out of online voting after
938 giving consent. Written notice of a meeting at which the
939 resolution will be considered must be mailed, delivered, or



321900

940 electronically transmitted to the unit owners and posted
941 conspicuously on the condominium property or association
942 property at least 14 days before the meeting. Evidence of
943 compliance with the 14-day notice requirement must be made by an
944 affidavit executed by the person providing the notice and filed
945 with the official records of the association.

946 (5) A unit owner's consent to online voting is valid until
947 the unit owner opts out of online voting pursuant to the
948 procedures established by the board of administration pursuant
949 to subsection (4).

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

953 Section 12. Subsection (3) of section 719.303, Florida
954 Statutes, is amended to read:

955 719.303 Obligations of owners.—

956 (3) The association may levy reasonable fines for failure
957 of the unit owner or the unit's occupant, licensee, or invitee
958 to comply with any provision of the cooperative documents or
959 reasonable rules of the association. A fine may not become a
960 lien against a unit. A fine may be levied by the board on the
961 basis of each day of a continuing violation, with a single
962 notice and opportunity for hearing before a committee as
963 provided in paragraph (b). However, the fine may not exceed \$100
964 per violation, or \$1,000 in the aggregate.

965 (a) An association may suspend, for a reasonable period of
966 time, the right of a unit owner, or a unit owner's tenant,
967 guest, or invitee, to use the common elements, common
968 facilities, or any other association property for failure to



321900

969 comply with any provision of the cooperative documents or
970 reasonable rules of the association. This paragraph does not
971 apply to limited common elements intended to be used only by
972 that unit, common elements needed to access the unit, utility
973 services provided to the unit, parking spaces, or elevators.

974 (b) A fine or suspension levied by the board of
975 administration may not be imposed unless the board first
976 provides at least 14 days' written ~~except after giving~~
977 ~~reasonable~~ notice and an opportunity for a hearing to the unit
978 owner and, if applicable, its occupant, ~~the unit's~~ licensee, or
979 invitee. The hearing must be held before a committee of other
980 unit owners who are neither board members nor persons residing
981 in a board member's household. The role of the committee is
982 limited to determining whether to confirm or reject the fine or
983 suspension levied by the board. If the committee does not agree
984 with the fine or suspension, it may not be imposed.

985 Section 13. Subsection (8) of section 720.301, Florida
986 Statutes, is amended to read:

987 720.301 Definitions.—As used in this chapter, the term:

988 (8) "Governing documents" means:

989 (a) The recorded declaration of covenants for a community,
990 and all duly adopted and recorded amendments, supplements, and
991 recorded exhibits thereto; ~~and~~

992 (b) The articles of incorporation and bylaws of the
993 homeowners' association, and any duly adopted amendments
994 thereto; and

995 (c) Rules and regulations adopted under the authority of
996 the recorded declaration, articles of incorporation, or bylaws
997 and duly adopted amendments thereto.



321900

998 Section 14. Section 720.3015, Florida Statutes, is created
999 to read:

1000 720.3015 Short title.—This chapter may be cited as the
1001 “Homeowners’ Association Act.”

1002 Section 15. Paragraph (c) of subsection (2) of section
1003 720.303, Florida Statutes, is amended to read:

1004 720.303 Association powers and duties; meetings of board;
1005 official records; budgets; financial reporting; association
1006 funds; recalls.—

1007 (2) BOARD MEETINGS.—

1008 (c) The bylaws shall provide for giving notice to parcel
1009 owners and members of all board meetings and, if they do not do
1010 so, shall be deemed to provide the following:

1011 1. Notices of all board meetings must be posted in a
1012 conspicuous place in the community at least 48 hours in advance
1013 of a meeting, except in an emergency. In the alternative, if
1014 notice is not posted in a conspicuous place in the community,
1015 notice of each board meeting must be mailed or delivered to each
1016 member at least 7 days before the meeting, except in an
1017 emergency. Notwithstanding this general notice requirement, for
1018 communities with more than 100 members, the bylaws may provide
1019 for a reasonable alternative to posting or mailing of notice for
1020 each board meeting, including publication of notice, provision
1021 of a schedule of board meetings, or the conspicuous posting and
1022 repeated broadcasting of the notice on a closed-circuit cable
1023 television system serving the homeowners’ association. However,
1024 if broadcast notice is used in lieu of a notice posted
1025 physically in the community, the notice must be broadcast at
1026 least four times every broadcast hour of each day that a posted



321900

1027 notice is otherwise required. When broadcast notice is provided,
1028 the notice and agenda must be broadcast in a manner and for a
1029 sufficient continuous length of time so as to allow an average
1030 reader to observe the notice and read and comprehend the entire
1031 content of the notice and the agenda. The association bylaws ~~or~~
1032 ~~amended bylaws~~ may provide ~~for giving~~ notice by electronic
1033 transmission in a manner authorized by law for meetings of the
1034 board of directors, committee meetings requiring notice under
1035 this section, and annual and special meetings of the members;
1036 however, a member must consent in writing to receiving notice by
1037 electronic transmission.

1038 2. An assessment may not be levied at a board meeting
1039 unless the notice of the meeting includes a statement that
1040 assessments will be considered and the nature of the
1041 assessments. Written notice of any meeting at which special
1042 assessments will be considered or at which amendments to rules
1043 regarding parcel use will be considered must be mailed,
1044 delivered, or electronically transmitted to the members and
1045 parcel owners and posted conspicuously on the property or
1046 broadcast on closed-circuit cable television not less than 14
1047 days before the meeting.

1048 3. Directors may not vote by proxy or by secret ballot at
1049 board meetings, except that secret ballots may be used in the
1050 election of officers. This subsection also applies to the
1051 meetings of any committee or other similar body, when a final
1052 decision will be made regarding the expenditure of association
1053 funds, and to any body vested with the power to approve or
1054 disapprove architectural decisions with respect to a specific
1055 parcel of residential property owned by a member of the



321900

1056 community.

1057

1058 ===== T I T L E A M E N D M E N T =====

1059 And the title is amended as follows:

1060 Delete lines 9 - 38

1061 and insert:

1062 amending s. 718.112, F.S.; authorizing the electronic
1063 transmission of notices of certain meetings of a
1064 condominium association regardless of whether
1065 authorized by the association's bylaws; revising
1066 provisions relating to the voting process for waiving
1067 or reducing reserves; amending s. 718.116, F.S. ;
1068 revising applicability; revising effect of a claim of
1069 lien; creating s. 718.128, F.S.; authorizing
1070 condominium associations to conduct votes of the
1071 membership and other unit owner votes by online voting
1072 under certain conditions; providing that a member
1073 voting electronically is counted toward the
1074 determination of a quorum; providing applicability;
1075 amending s. 718.303, F.S.; providing that a fine may
1076 be levied by the association's board under certain
1077 conditions; revising requirements for levying a fine
1078 or suspension; revising provisions relating to voting
1079 interests; providing applicability; amending s.
1080 718.707, F.S.; extending the time period for
1081 classification as bulk assignee or bulk buyer;
1082 amending s. 719.104, F.S.; revising what constitutes
1083 the official records of an association; amending s.
1084 719.106, F.S.; authorizing the electronic transmission



321900

1085 of notices of certain meetings of a cooperative
1086 association regardless of whether authorized by the
1087 association's bylaws; amending s. 719.108, F.S.;
1088 revising applicability; revising effect of a claim of
1089 lien; creating s. 719.129, F.S.; authorizing
1090 cooperative associations to conduct votes of the
1091 membership and other unit owner votes by online voting
1092 under certain conditions; providing that a member
1093 voting electronically is counted toward the
1094 determination of a quorum; providing applicability;
1095 amending s. 719.303, F.S.; providing that a fine may
1096 be levied by the board under certain conditions;
1097 revising requirements for levying a fine or
1098 suspension; amending s. 720.301, F.S.; revising the
1099 definition of the term "governing documents"; creating
1100 s. 720.3015, F.S.; providing a short title; amending
1101 s. 720.303, F.S.; authorizing the electronic
1102 transmission of notices of certain meetings of a
1103 homeowners' association regardless of whether
1104 authorized by the association's bylaws; amending