

**By** the Committees on Judiciary; and Regulated Industries; and  
Senator Ring

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1                                   A bill to be entitled  
2       An act relating to residential properties; amending s.  
3       617.0721, F.S.; authorizing the use of a copy,  
4       facsimile transmission, or other reliable reproduction  
5       of an original proxy vote for certain purposes;  
6       amending s. 718.103, F.S.; revising and providing  
7       definitions; amending s. 718.111, F.S.; providing that  
8       the vote necessary to charge use fees for the use of  
9       the common elements or association property may be  
10      approved by a majority of the voting interests  
11      present, in person or by proxy, at a meeting of the  
12      association if a quorum has been established; revising  
13      the liability of unit owners under certain conditions;  
14      revising what constitutes official records of an  
15      association; amending s. 718.112, F.S.; revising the  
16      requirements for board of administration and unit  
17      owner meetings; clarifying the voting process for  
18      providing reserves; amending s. 718.113, F.S.;  
19      revising the term governing documents to condominium  
20      documents; amending s. 718.116, F.S.; revising the  
21      provisions relating to the liability of condominium  
22      unit owners and mortgagees; revising applicability;  
23      revising effect of a claim of lien; creating s.  
24      718.128, F.S.; authorizing condominium associations to  
25      conduct elections by electronic voting under certain  
26      conditions; providing that a member voting  
27      electronically is counted toward a quorum; providing  
28      applicability; providing that a unit owner's consent  
29      to online voting is valid until the unit owner opts

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30 out according to specified procedures; amending s.  
31 718.301, F.S.; adding conditions under which certain  
32 unit owners are entitled to elect at least a majority  
33 of the members of the board of administration of an  
34 association; requiring a bulk-unit purchaser to  
35 relinquish control of the association under certain  
36 circumstances; requiring a bulk-unit purchaser to  
37 deliver certain items, at the bulk-unit purchaser's  
38 expense, during the transfer of association control  
39 from the bulk-unit purchaser; amending s. 718.302,  
40 F.S.; revising the conditions under which certain  
41 grants, reservations, or contracts made by an  
42 association may be cancelled; prohibiting a lender-  
43 unit purchaser from voting on cancellation of certain  
44 grants, reservations, or contracts while the  
45 association is under control of that lender-unit  
46 purchaser; amending s. 718.303, F.S.; providing that a  
47 fine may be levied by the board or its authorized  
48 designee under certain conditions; revising the  
49 requirements for levying a fine or suspension;  
50 amending s. 718.501, F.S.; conforming provisions of  
51 ch. 718, F.S., relating to the enforcement powers of  
52 the Division of Florida Condominiums, Timeshares, and  
53 Mobile Homes; creating s. 718.709, F.S.; providing  
54 applicability of the provisions relating to the  
55 Distressed Condominium Relief Act; creating part VIII  
56 of ch. 718, F.S.; providing legislative intent;  
57 providing definitions; authorizing a bulk-unit  
58 purchaser to exercise certain developer rights;

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59 requiring a bulk-unit purchaser to pay a working  
60 capital contribution under certain circumstances;  
61 providing applicability; authorizing a lender-unit  
62 purchaser to exercise any developer rights he or she  
63 acquires; requiring a bulk-unit purchaser and a  
64 lender-unit purchaser to comply with specified  
65 provisions under ch. 718, F.S.; limiting the rights of  
66 bulk-unit purchasers and lender-unit purchasers to  
67 vote on reserves or funding of reserves; prohibiting  
68 the transfer of such voting rights; providing  
69 assessment liability for bulk-unit purchasers and  
70 lender-unit purchasers; providing for suspension of a  
71 director who has been elected or appointed by a bulk-  
72 unit purchaser in certain circumstances; specifying  
73 amendments and alterations for which a majority  
74 approval of unit owners is required; requiring consent  
75 of a bulk-unit purchaser, lender-unit purchaser, or  
76 developer to certain amendments; requiring certain  
77 warranties and disclosures; requiring an architect or  
78 engineer to disclose specified information in a  
79 condition report under certain circumstances;  
80 subjecting multiple bulk-unit purchasers to joint and  
81 several liability; prohibiting a board of  
82 administration, a majority of which is elected by a  
83 bulk-unit purchaser, from resolving certain  
84 construction disputes unless other conditions are  
85 satisfied; providing that a bulk-unit purchaser or  
86 lender-unit purchaser who does not comply with ch.  
87 718, F.S., forfeits all protections or exemptions

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88 under ch. 718, F.S.; clarifying conditions under which  
89 a bulk-unit purchaser must deliver certain items  
90 during the transfer of association control from the  
91 bulk-unit purchaser; providing conditions by which a  
92 person may become a bulk-unit purchaser following  
93 acquisition of title to timeshare interests that are  
94 or ultimately will be included in a timeshare plan;  
95 requiring disclosure to purchasers by certain bulk-  
96 unit purchasers of timeshare interests; amending s.  
97 719.104, F.S.; revising what constitutes the official  
98 records of an association; amending s. 719.106, F.S.;  
99 revising the requirements for board of administration  
100 and shareholder meetings; amending s. 719.108, F.S.;  
101 revising applicability; revising the effect of a claim  
102 of lien; creating s. 719.129, F.S.; authorizing  
103 cooperative associations to conduct elections by  
104 electronic voting under certain conditions; providing  
105 that a member voting electronically is counted toward  
106 a quorum; providing applicability; providing that a  
107 unit owner's consent to online voting is valid until  
108 the unit owner opts out according to specified  
109 procedures; amending s. 719.303, F.S.; providing that  
110 a fine may be levied by the board or its authorized  
111 designee under certain conditions; revising the  
112 requirements for levying a fine or suspension;  
113 amending s. 720.301, F.S.; revising the definition of  
114 the term "governing documents"; creating s. 720.3015,  
115 F.S.; providing a short title; amending s. 720.303,  
116 F.S.; authorizing a homeowners' association to provide

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117 notice by electronic transmission in certain  
118 circumstances; amending s. 720.305, F.S.; revising the  
119 requirements for levying a fine or suspension;  
120 revising the application of certain provisions;  
121 amending s. 720.306, F.S.; revising the requirements  
122 for the adoption of amendments to the governing  
123 documents; revising the requirements for the election  
124 of directors; revising the requirements for board of  
125 director and member meetings; amending s. 720.3085,  
126 F.S.; providing that the association may recover from  
127 the parcel owner a reasonable charge imposed by a  
128 management or bookkeeping company or a collection  
129 agent which are incurred in connection with a  
130 delinquent assessment; providing that such charges  
131 must be liquidated, noncontingent, and based upon  
132 actual time expended; providing that fees for  
133 collection are not recoverable in a certain  
134 circumstance; specifying the hierarchy for the  
135 application of payments received for collection  
136 services contracted for by the association; creating  
137 s. 720.317, F.S.; authorizing homeowners' associations  
138 to conduct elections by electronic voting under  
139 certain conditions; providing that a member voting  
140 electronically is counted toward a quorum; providing  
141 applicability; providing that a member's consent to  
142 online voting is valid until the member opts out  
143 according to specified procedures; providing an  
144 effective date.

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146 Be It Enacted by the Legislature of the State of Florida:

147  
148 Section 1. Subsection (2) of section 617.0721, Florida  
149 Statutes, is amended to read:

150 617.0721 Voting by members.—

151 (2) A member who is entitled to vote may vote in person or,  
152 unless the articles of incorporation or the bylaws otherwise  
153 provide, may vote by proxy executed in writing by the member or  
154 by his or her duly authorized attorney in fact. Notwithstanding  
155 any provision to the contrary in the articles of incorporation  
156 or bylaws, any copy, facsimile transmission, or other reliable  
157 reproduction of the original proxy may be substituted or used in  
158 lieu of the original proxy for any purpose for which the  
159 original proxy could be used if the copy, facsimile  
160 transmission, or other reproduction is a complete reproduction  
161 of the entire proxy. An appointment of a proxy is not valid  
162 after 11 months following the date of its execution unless  
163 otherwise provided in the proxy.

164 (a) If directors or officers are to be elected by members,  
165 the bylaws may provide that such elections may be conducted by  
166 mail.

167 (b) A corporation may reject a vote, consent, waiver, or  
168 proxy appointment if the secretary or other officer or agent  
169 authorized to tabulate votes, acting in good faith, has a  
170 reasonable basis for doubting the validity of the signature on  
171 it or the signatory's authority to sign for the member.

172 Section 2. Present subsections (12) through (30) of section  
173 718.103, Florida Statutes, are redesignated as subsections (13)  
174 through (31), respectively, a new subsection (12) is added to

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175 that section, and present subsection (16) of that section is  
176 amended, to read:

177 718.103 Definitions.—As used in this chapter, the term:

178 (12) "Condominium documents" means:

179 (a) The recorded declaration of condominium for a community  
180 and all duly adopted and recorded amendments, supplements, and  
181 exhibits of the declaration;

182 (b) The recorded articles of incorporation and bylaws of  
183 the condominium association and any duly adopted and recorded  
184 amendments of the declaration; and

185 (c) Rules and regulations adopted under the authority of  
186 the recorded declaration of condominium, articles of  
187 incorporation or bylaws, and duly adopted amendments of the  
188 declaration.

189 (17)~~(16)~~ "Developer" means a person who creates a  
190 condominium or offers condominium parcels for sale or lease in  
191 the ordinary course of business, but does not include:

192 (a) An owner or lessee of a condominium or cooperative unit  
193 who has acquired the unit for his or her own occupancy;

194 (b) A cooperative association that creates a condominium by  
195 conversion of an existing residential cooperative after control  
196 of the association has been transferred to the unit owners if,  
197 following the conversion, the unit owners are the same persons  
198 who were unit owners of the cooperative and no units are offered  
199 for sale or lease to the public as part of the plan of  
200 conversion;

201 (c) A bulk-unit purchaser, lender-unit purchaser, bulk  
202 assignee, or bulk buyer as defined in s. 718.802 ~~718.703~~;

203 (d) A person who acquires title to 7 or fewer units

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204 operated by the same association consisting of 40 or fewer units  
205 or who acquires title to less than 20 percent of the units  
206 operated by the same association consisting of more than 40  
207 units, regardless of whether that person offers any of those  
208 units for sale;

209 (e) The trustee and any related trust association of a  
210 timeshare trust, interests in which are qualified as timeshare  
211 estates pursuant to s. 721.08 or s. 721.53; or

212 (f)~~(d)~~ A state, county, or municipal entity acting as a  
213 lessor and not otherwise named as a developer in the declaration  
214 of condominium.

215 Section 3. Subsection (4), paragraph (j) of subsection (11)  
216 and paragraph (a) of subsection (12) of section 718.111, Florida  
217 Statutes, are amended to read:

218 718.111 The association.—

219 (4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The  
220 association has the power to make and collect assessments and to  
221 lease, maintain, repair, and replace the common elements or the  
222 association property; however, the association may not charge a  
223 use fee against a unit owner for the use of common elements or  
224 association property unless otherwise provided for in the  
225 declaration of condominium or by a majority of the voting  
226 interests present, in person or by proxy, at a meeting of the  
227 association if a quorum has been established ~~vote of the~~  
228 ~~association~~ or unless the charges relate to expenses incurred by  
229 an owner having exclusive use of the common elements or  
230 association property.

231 (11) INSURANCE.—In order to protect the safety, health, and  
232 welfare of the people of the State of Florida and to ensure



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233 consistency in the provision of insurance coverage to  
234 condominiums and their unit owners, this subsection applies to  
235 every residential condominium in the state, regardless of the  
236 date of its declaration of condominium. It is the intent of the  
237 Legislature to encourage lower or stable insurance premiums for  
238 associations described in this subsection.

239 (j) Any portion of the condominium property that must be  
240 insured by the association against property loss pursuant to  
241 paragraph (f) which is damaged by an insurable event shall be  
242 reconstructed, repaired, or replaced as necessary by the  
243 association as a common expense. In the absence of an insurable  
244 event, the association or the unit owners shall be responsible  
245 for the reconstruction, repair, or replacement, as determined by  
246 the maintenance provisions of the declaration or bylaws. All  
247 property insurance deductibles, ~~uninsured losses,~~ and other  
248 damages in excess of property insurance coverage under the  
249 property insurance policies maintained by the association are a  
250 common expense of the condominium, except that:

251 1. A unit owner is responsible for the costs of repair or  
252 replacement of any portion of the condominium property not paid  
253 by insurance proceeds if such damage is caused by intentional  
254 conduct, negligence, or failure to comply with the terms of the  
255 declaration or the rules of the association by a unit owner, the  
256 members of his or her family, unit occupants, tenants, guests,  
257 or invitees, without compromise of the subrogation rights of the  
258 insurer.

259 2. The provisions of subparagraph 1. regarding the  
260 financial responsibility of a unit owner for the costs of  
261 repairing or replacing other portions of the condominium

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262 property also apply to the costs of repair or replacement of  
263 personal property of other unit owners or the association, as  
264 well as other property, whether real or personal, which the unit  
265 owners are required to insure.

266 3. To the extent the cost of repair or reconstruction for  
267 which the unit owner is responsible under this paragraph is  
268 reimbursed to the association by insurance proceeds, and the  
269 association has collected the cost of such repair or  
270 reconstruction from the unit owner, the association shall  
271 reimburse the unit owner without the waiver of any rights of  
272 subrogation.

273 4. The association is not obligated to pay for  
274 reconstruction or repairs of property losses as a common expense  
275 if the property losses were known or should have been known to a  
276 unit owner and were not reported to the association until after  
277 the insurance claim of the association for that property was  
278 settled or resolved with finality, or denied because it was  
279 untimely filed.

280 (12) OFFICIAL RECORDS.—

281 (a) From the inception of the association, the association  
282 shall maintain each of the following items, if applicable, which  
283 constitutes the official records of the association:

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

286 2. A photocopy of the recorded declaration of condominium  
287 of each condominium operated by the association and each  
288 amendment to each declaration.

289 3. A photocopy of the recorded bylaws of the association  
290 and each amendment to the bylaws.

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291 4. A certified copy of the articles of incorporation of the  
292 association, or other documents creating the association, and  
293 each amendment thereto.

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

295 6. A book or books that contain the minutes of all meetings  
296 of the association, the board of administration, and the unit  
297 owners, which minutes must be retained for at least 7 years.

298 7. A current roster of all unit owners and their mailing  
299 addresses, unit identifications, voting certifications, and, if  
300 known, telephone numbers. The association shall also maintain  
301 the electronic mailing addresses and facsimile numbers of unit  
302 owners consenting to receive notice by electronic transmission.  
303 The electronic mailing addresses and facsimile numbers are not  
304 accessible to unit owners if consent to receive notice by  
305 electronic transmission is not provided in accordance with  
306 subparagraph (c)5. However, the association is not liable for an  
307 inadvertent disclosure of the electronic mail address or  
308 facsimile number for receiving electronic transmission of  
309 notices.

310 8. All current insurance policies of the association and  
311 condominiums operated by the association.

312 9. A current copy of any management agreement, lease, or  
313 other contract to which the association is a party or under  
314 which the association or the unit owners have an obligation or  
315 responsibility.

316 10. Bills of sale or transfer for all property owned by the  
317 association.

318 11. Accounting records for the association and separate  
319 accounting records for each condominium that the association

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320 operates. All accounting records must be maintained for at least  
321 7 years. Any person who knowingly or intentionally defaces or  
322 destroys such records, or who knowingly or intentionally fails  
323 to create or maintain such records, with the intent of causing  
324 harm to the association or one or more of its members, is  
325 personally subject to a civil penalty pursuant to s.  
326 718.501(1)(d). The accounting records must include, but are not  
327 limited to:

328 a. Accurate, itemized, and detailed records of all receipts  
329 and expenditures.

330 b. A current account and a monthly, bimonthly, or quarterly  
331 statement of the account for each unit designating the name of  
332 the unit owner, the due date and amount of each assessment, the  
333 amount paid on the account, and the balance due.

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

336 d. All contracts for work to be performed. Bids for work to  
337 be performed are also considered official records and must be  
338 maintained by the association.

339 12. Ballots, sign-in sheets, voting proxies, and all other  
340 papers relating to voting by unit owners, which must be  
341 maintained for 1 year from the date of the election, vote, or  
342 meeting to which the document relates, notwithstanding paragraph  
343 (b).

344 13. All rental records if the association is acting as  
345 agent for the rental of condominium units.

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

348 15. All other written records of the association not

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349 specifically included in the foregoing which are related to the  
350 operation of the association.

351 16. A copy of the inspection report as described in s.  
352 718.301(4) (p) .

353 Section 4. Paragraphs (c), (d), and (f) of subsection (2)  
354 of section 718.112, Florida Statutes, are amended to read:

355 718.112 Bylaws.—

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

359 (c) *Board of administration meetings.*—Meetings of the board  
360 of administration at which a quorum of the members is present  
361 are open to all unit owners. Members of the board of  
362 administration may use e-mail as a means of communication but  
363 may not cast a vote on an association matter via e-mail. A unit  
364 owner may tape record or videotape the meetings; however, a unit  
365 owner may not post the recordings on any website or other media  
366 that can readily be viewed by persons who are not members of the  
367 association. The right to attend such meetings includes the  
368 right to speak at such meetings with reference to all designated  
369 agenda items. The division shall adopt reasonable rules  
370 governing the tape recording and videotaping of the meeting. The  
371 association may adopt written reasonable rules governing the  
372 frequency, duration, and manner of unit owner statements.

373 1. Adequate notice of all board meetings, which must  
374 specifically identify all agenda items, must be posted  
375 conspicuously on the condominium property or association  
376 property at least 48 continuous hours before the meeting except  
377 in an emergency. If 20 percent of the voting interests petition

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378 the board to address an item of business, the board, within 60  
379 days after receipt of the petition, shall place the item on the  
380 agenda at its next regular board meeting or at a special meeting  
381 called for that purpose. An item not included on the notice may  
382 be taken up on an emergency basis by a vote of at least a  
383 majority plus one of the board members. Such emergency action  
384 must be noticed and ratified at the next regular board meeting.  
385 However, written notice of a meeting at which a nonemergency  
386 special assessment or an amendment to rules regarding unit use  
387 will be considered must be mailed, delivered, or electronically  
388 transmitted to the unit owners and posted conspicuously on the  
389 condominium property or association property at least 14 days  
390 before the meeting. Evidence of compliance with this 14-day  
391 notice requirement must be made by an affidavit executed by the  
392 person providing the notice and filed with the official records  
393 of the association. Upon notice to the unit owners, the board  
394 shall, by duly adopted rule, designate a specific location on  
395 the condominium or association property where all notices of  
396 board meetings must be posted. If there is no condominium  
397 property or association property where notices can be posted,  
398 notices shall be mailed, delivered, or electronically  
399 transmitted to each unit owner at least 14 days before the  
400 meeting. In lieu of or in addition to the physical posting of  
401 the notice on the condominium property or association property,  
402 the association may, by reasonable rule, adopt a procedure for  
403 conspicuously posting and repeatedly broadcasting the notice and  
404 the agenda on a closed-circuit cable television system serving  
405 the condominium association. However, if broadcast notice is  
406 used in lieu of a notice physically posted on condominium

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407 property or association property, the notice and agenda must be  
408 broadcast at least four times every broadcast hour of each day  
409 that a posted notice is otherwise required under this section.  
410 If broadcast notice is provided, the notice and agenda must be  
411 broadcast in a manner and for a sufficient continuous length of  
412 time so as to allow an average reader to observe the notice and  
413 read and comprehend the entire content of the notice and the  
414 agenda. Notice of any meeting in which regular or special  
415 assessments against unit owners are to be considered must  
416 specifically state that assessments will be considered and  
417 provide the nature, estimated cost, and description of the  
418 purposes for such assessments.

419 2. Meetings of a committee to take final action on behalf  
420 of the board or make recommendations to the board regarding the  
421 association budget are subject to this paragraph. Meetings of a  
422 committee that does not take final action on behalf of the board  
423 or make recommendations to the board regarding the association  
424 budget are subject to this section, unless those meetings are  
425 exempted from this section by the bylaws of the association.

426 3. Notwithstanding any other law, the requirement that  
427 board meetings and committee meetings be open to the unit owners  
428 does not apply to:

429 a. Meetings between the board or a committee and the  
430 association's attorney, with respect to proposed or pending  
431 litigation, if the meeting is held for the purpose of seeking or  
432 rendering legal advice; or

433 b. Board meetings held for the purpose of discussing  
434 personnel matters.

435 (d) *Unit owner meetings.*—

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436 1. An annual meeting of the unit owners shall be held at  
437 the location provided in the association bylaws and, if the  
438 bylaws are silent as to the location, the meeting shall be held  
439 within 45 miles of the condominium property. However, such  
440 distance requirement does not apply to an association governing  
441 a timeshare condominium.

442 2. Unless the bylaws provide otherwise, a vacancy on the  
443 board caused by the expiration of a director's term shall be  
444 filled by electing a new board member, and the election must be  
445 by secret ballot. An election is not required if the number of  
446 vacancies equals or exceeds the number of candidates. For  
447 purposes of this paragraph, the term "candidate" means an  
448 eligible person who has timely submitted the written notice, as  
449 described in sub-subparagraph 4.a., of his or her intention to  
450 become a candidate. Except in a timeshare or nonresidential  
451 condominium, or if the staggered term of a board member does not  
452 expire until a later annual meeting, or if all members' terms  
453 would otherwise expire but there are no candidates, the terms of  
454 all board members expire at the annual meeting, and such members  
455 may stand for reelection unless prohibited by the bylaws. If the  
456 bylaws or articles of incorporation permit terms of no more than  
457 2 years, the association board members may serve 2-year terms.  
458 If the number of board members whose terms expire at the annual  
459 meeting equals or exceeds the number of candidates, the  
460 candidates become members of the board effective upon the  
461 adjournment of the annual meeting. Unless the bylaws provide  
462 otherwise, any remaining vacancies shall be filled by the  
463 affirmative vote of the majority of the directors making up the  
464 newly constituted board even if the directors constitute less



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465 than a quorum or there is only one director. In a residential  
466 condominium association of more than 10 units or in a  
467 residential condominium association that does not include  
468 timeshare units or timeshare interests, coowners of a unit may  
469 not serve as members of the board of directors at the same time  
470 unless they own more than one unit or unless there are not  
471 enough eligible candidates to fill the vacancies on the board at  
472 the time of the vacancy. A unit owner in a residential  
473 condominium desiring to be a candidate for board membership must  
474 comply with sub-subparagraph 4.a. and must be eligible to be a  
475 candidate to serve on the board of directors at the time of the  
476 deadline for submitting a notice of intent to run in order to  
477 have his or her name listed as a proper candidate on the ballot  
478 or to serve on the board. A person who has been suspended or  
479 removed by the division under this chapter, or who is delinquent  
480 in the payment of any monetary obligation due to the  
481 association, is not eligible to be a candidate for board  
482 membership and may not be listed on the ballot. A person who has  
483 been convicted of any felony in this state or in a United States  
484 District or Territorial Court, or who has been convicted of any  
485 offense in another jurisdiction which would be considered a  
486 felony if committed in this state, is not eligible for board  
487 membership unless such felon's civil rights have been restored  
488 for at least 5 years as of the date such person seeks election  
489 to the board. The validity of an action by the board is not  
490 affected if it is later determined that a board member is  
491 ineligible for board membership due to having been convicted of  
492 a felony. This subparagraph does not limit the term of a member  
493 of the board of a nonresidential condominium.

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494           3. The bylaws must provide the method of calling meetings  
495 of unit owners, including annual meetings. Written notice must  
496 include an agenda, must be mailed, hand delivered, or  
497 electronically transmitted to each unit owner at least 14 days  
498 before the annual meeting, and must be posted in a conspicuous  
499 place on the condominium property or association property at  
500 least 14 continuous days before the annual meeting. Upon notice  
501 to the unit owners, the board shall, by duly adopted rule,  
502 designate a specific location on the condominium property or  
503 association property where all notices of unit owner meetings  
504 shall be posted. This requirement does not apply if there is no  
505 condominium property or association property for posting  
506 notices. In lieu of, or in addition to, the physical posting of  
507 meeting notices, the association may, by reasonable rule, adopt  
508 a procedure for conspicuously posting and repeatedly  
509 broadcasting the notice and the agenda on a closed-circuit cable  
510 television system serving the condominium association. However,  
511 if broadcast notice is used in lieu of a notice posted  
512 physically on the condominium property or association property,  
513 the notice and agenda must be broadcast at least four times  
514 every broadcast hour of each day that a posted notice is  
515 otherwise required under this section. If broadcast notice is  
516 provided, the notice and agenda must be broadcast in a manner  
517 and for a sufficient continuous length of time so as to allow an  
518 average reader to observe the notice and read and comprehend the  
519 entire content of the notice and the agenda. Unless a unit owner  
520 waives in writing the right to receive notice of the annual  
521 meeting, such notice must be hand delivered, mailed, or  
522 electronically transmitted to each unit owner. Notice for

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523 meetings and notice for all other purposes must be mailed to  
524 each unit owner at the address last furnished to the association  
525 by the unit owner, or hand delivered to each unit owner.  
526 However, if a unit is owned by more than one person, the  
527 association must provide notice to the address that the  
528 developer identifies for that purpose and thereafter as one or  
529 more of the owners of the unit advise the association in  
530 writing, or if no address is given or the owners of the unit do  
531 not agree, to the address provided on the deed of record. An  
532 officer of the association, or the manager or other person  
533 providing notice of the association meeting, must provide an  
534 affidavit or United States Postal Service certificate of  
535 mailing, to be included in the official records of the  
536 association affirming that the notice was mailed or hand  
537 delivered in accordance with this provision.

538 4. The members of the board of a residential condominium  
539 shall be elected by written ballot or voting machine. Proxies  
540 may not be used in electing the board in general elections or  
541 elections to fill vacancies caused by recall, resignation, or  
542 otherwise, unless otherwise provided in this chapter. This  
543 subparagraph does not apply to an association governing a  
544 timeshare condominium.

545 a. At least 60 days before a scheduled election, the  
546 association shall mail, deliver, or electronically transmit, by  
547 separate association mailing or included in another association  
548 mailing, delivery, or transmission, including regularly  
549 published newsletters, to each unit owner entitled to a vote, a  
550 first notice of the date of the election. A unit owner or other  
551 eligible person desiring to be a candidate for the board must

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552 give written notice of his or her intent to be a candidate to  
553 the association at least 40 days before a scheduled election.  
554 Together with the written notice and agenda as set forth in  
555 subparagraph 3., the association shall mail, deliver, or  
556 electronically transmit a second notice of the election to all  
557 unit owners entitled to vote, together with a ballot that lists  
558 all candidates. Upon request of a candidate, an information  
559 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
560 furnished by the candidate at least 35 days before the election,  
561 must be included with the mailing, delivery, or transmission of  
562 the ballot, with the costs of mailing, delivery, or electronic  
563 transmission and copying to be borne by the association. The  
564 association is not liable for the contents of the information  
565 sheets prepared by the candidates. In order to reduce costs, the  
566 association may print or duplicate the information sheets on  
567 both sides of the paper. The division shall by rule establish  
568 voting procedures consistent with this sub-subparagraph,  
569 including rules establishing procedures for giving notice by  
570 electronic transmission and rules providing for the secrecy of  
571 ballots. Elections shall be decided by a plurality of ballots  
572 cast. There is no quorum requirement; however, at least 20  
573 percent of the eligible voters must cast a ballot in order to  
574 have a valid election. A unit owner may not permit any other  
575 person to vote his or her ballot, and any ballots improperly  
576 cast are invalid. A unit owner who violates this provision may  
577 be fined by the association in accordance with s. 718.303. A  
578 unit owner who needs assistance in casting the ballot for the  
579 reasons stated in s. 101.051 may obtain such assistance. The  
580 regular election must occur on the date of the annual meeting.

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581 Notwithstanding this sub-subparagraph, an election is not  
582 required unless more candidates file notices of intent to run or  
583 are nominated than board vacancies exist.

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

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610 election or the duration of the director's uninterrupted tenure,  
611 whichever is longer. Failure to have such written certification  
612 or educational certificate on file does not affect the validity  
613 of any board action.

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

616 5. Any approval by unit owners called for by this chapter  
617 or the applicable declaration or bylaws, including, but not  
618 limited to, the approval requirement in s. 718.111(8), must be  
619 made at a duly noticed meeting of unit owners and is subject to  
620 all requirements of this chapter or the applicable condominium  
621 documents relating to unit owner decisionmaking, except that  
622 unit owners may take action by written agreement, without  
623 meetings, on matters for which action by written agreement  
624 without meetings is expressly allowed by the applicable bylaws  
625 or declaration or any law that provides for such action.

626 6. Unit owners may waive notice of specific meetings if  
627 allowed by the applicable bylaws or declaration or any law. ~~If~~  
628 ~~authorized by the bylaws,~~ Notice of meetings of the board of  
629 administration, unit owner meetings, except unit owner meetings  
630 called to recall board members under paragraph (j), and  
631 committee meetings may be given by electronic transmission to  
632 unit owners who consent to receive notice by electronic  
633 transmission.

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

638 8. A unit owner may tape record or videotape a meeting of

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639 the unit owners subject to reasonable rules adopted by the  
640 division; however, a unit owner may not post the recording on  
641 any website or other media that can readily be viewed by persons  
642 who are not members of the association.

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

657 10. This chapter does not limit the use of general or  
658 limited proxies, require the use of general or limited proxies,  
659 or require the use of a written ballot or voting machine for any  
660 agenda item or election at any meeting of a timeshare  
661 condominium association or nonresidential condominium  
662 association.

663  
664 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
665 association of 10 or fewer units may, by affirmative vote of a  
666 majority of the total voting interests, provide for different  
667 voting and election procedures in its bylaws, which may be by a

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668 proxy specifically delineating the different voting and election  
669 procedures. The different voting and election procedures may  
670 provide for elections to be conducted by limited or general  
671 proxy.

672 (f) *Annual budget.*—

673 1. The proposed annual budget of estimated revenues and  
674 expenses must be detailed and must show the amounts budgeted by  
675 accounts and expense classifications, including, at a minimum,  
676 any if applicable, ~~but not limited to,~~ those expenses listed in  
677 s. 718.504(21). A multicondominium association shall adopt a  
678 separate budget of common expenses for each condominium the  
679 association operates and shall adopt a separate budget of common  
680 expenses for the association. In addition, if the association  
681 maintains limited common elements with the cost to be shared  
682 only by those entitled to use the limited common elements as  
683 provided for in s. 718.113(1), the budget or a schedule attached  
684 to it must show the amount budgeted for this maintenance. If,  
685 after turnover of control of the association to the unit owners,  
686 any of the expenses listed in s. 718.504(21) are not applicable,  
687 they need not be listed.

688 2.a. In addition to annual operating expenses, the budget  
689 must include reserve accounts for capital expenditures and  
690 deferred maintenance. These accounts must include, but are not  
691 limited to, roof replacement, building painting, and pavement  
692 resurfacing, regardless of the amount of deferred maintenance  
693 expense or replacement cost, and ~~for~~ any other item that has a  
694 deferred maintenance expense or replacement cost that exceeds  
695 \$10,000. The amount to be reserved must be computed using a  
696 formula based upon estimated remaining useful life and estimated



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697 replacement cost or deferred maintenance expense of each reserve  
698 item. The association may adjust replacement reserve assessments  
699 annually to take into account any changes in estimates or  
700 extension of the useful life of a reserve item caused by  
701 deferred maintenance. This subsection does not apply to an  
702 adopted budget in which the members of an association have  
703 determined, by a majority vote at a duly called meeting of the  
704 association, to provide no reserves or less reserves than  
705 required by this subsection.

706 b. ~~Before~~ ~~However,~~ ~~prior to~~ turnover of control of an  
707 association by a developer to unit owners other than a developer  
708 pursuant to s. 718.301, the developer may vote the voting  
709 interests allocated to its units to waive the reserves or reduce  
710 the funding of reserves through the period expiring at the end  
711 of the second fiscal year after the fiscal year in which the  
712 certificate of a surveyor and mapper is recorded pursuant to s.  
713 718.104(4)(e) or an instrument that transfers title to a unit in  
714 the condominium which is not accompanied by a recorded  
715 assignment of developer rights in favor of the grantee of such  
716 unit is recorded, whichever occurs first, after which time  
717 reserves may be waived or reduced only upon the vote of a  
718 majority of all nondeveloper voting interests voting in person  
719 or by limited proxy at a duly called meeting of the association.  
720 If a meeting of the unit owners has been called to determine  
721 whether to waive or reduce the funding of reserves, and no such  
722 result is achieved or a quorum is not attained, the reserves  
723 included in the budget shall go into effect. After the turnover,  
724 the developer may vote its voting interest to waive or reduce  
725 the funding of reserves.

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726           3. Reserve funds and any interest accruing thereon shall  
727 remain in the reserve account or accounts, and may be used only  
728 for authorized reserve expenditures unless their use for other  
729 purposes is approved in advance by a majority vote at a duly  
730 called meeting of the association. Before ~~Prior to~~ turnover of  
731 control of an association by a developer to unit owners other  
732 than the developer pursuant to s. 718.301, the developer-  
733 controlled association may ~~shall~~ not vote to use reserves for  
734 purposes other than those ~~that~~ for which they were intended  
735 without the approval of a majority of all nondeveloper voting  
736 interests, voting in person or by limited proxy at a duly called  
737 meeting of the association.

738           4. The only voting interests that are eligible to vote on  
739 questions that involve waiving or reducing the funding of  
740 reserves, or using existing reserve funds for purposes other  
741 than purposes for which the reserves were intended, are the  
742 voting interests of the units subject to assessment to fund the  
743 reserves in question. Proxy questions relating to waiving or  
744 reducing the funding of reserves or using existing reserve funds  
745 for purposes other than purposes for which the reserves were  
746 intended must ~~shall~~ contain the following statement in  
747 capitalized, bold letters in a font size larger than any other  
748 used on the face of the proxy ballot: WAIVING OF RESERVES, IN  
749 WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING  
750 RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF  
751 UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

752           Section 5. Subsection (7) of section 718.113, Florida  
753 Statutes, is amended to read:

754           718.113 Maintenance; limitation upon improvement; display

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755 of flag; hurricane shutters and protection; display of religious  
756 decorations.—

757 (7) Notwithstanding the provisions of this section or the  
758 condominium governing documents of a condominium or a  
759 multicondominium association, the board of administration may,  
760 without any requirement for approval of the unit owners, install  
761 upon or within the common elements or association property solar  
762 collectors, clotheslines, or other energy-efficient devices  
763 based on renewable resources for the benefit of the unit owners.

764 Section 6. Paragraphs (a) and (b) of subsection (1),  
765 subsection (3), and paragraph (b) of subsection (5) of section  
766 718.116, Florida Statutes, are amended to read:

767 718.116 Assessments; liability; lien and priority;  
768 interest; collection.—

769 (1) (a) A unit owner, regardless of how the unit owner has  
770 acquired his or her title has been acquired, including, but not  
771 limited to, by purchase at a foreclosure sale or by deed in lieu  
772 of foreclosure, is liable for all assessments that which come  
773 due while he or she is the unit owner, including any special  
774 assessments or installments on special assessments coming due  
775 during the period of ownership, regardless of when the special  
776 assessment was levied. Additionally, a unit owner is jointly and  
777 severally liable with the previous unit owner for all unpaid  
778 monthly and special assessments, interest and late fees on both  
779 unpaid assessments and unpaid special assessments, and costs and  
780 reasonable attorney fees incurred by the association in an  
781 attempt to collect all such amounts that came due up to the time  
782 of transfer of title. This joint and several liability of a  
783 subsequent unit owner does not apply to an owner who acquires

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784 title through purchase of a tax deed and is without prejudice to  
785 any right the present unit owner may have to recover from the  
786 previous unit owner the amounts paid by the present unit owner.  
787 For the purposes of this section ~~paragraph~~, the term "previous  
788 unit owner" does not include an association that acquires title  
789 to a unit ~~delinquent property~~ through foreclosure or by deed in  
790 lieu of foreclosure. A present unit owner's liability for unpaid  
791 assessments, interest, late fees, and costs and reasonable  
792 attorney fees is limited to any unpaid assessments, interest,  
793 late fees, and costs and reasonable attorney fees that accrued  
794 before the association acquired title to the unit ~~delinquent~~  
795 ~~property~~ through foreclosure or by deed in lieu of foreclosure.

796 (b)1. The liability of a first mortgagee or its successor  
797 or assignees who acquire title to a unit by foreclosure or by  
798 deed in lieu of foreclosure for the unpaid assessments,  
799 interest, late fees, costs and reasonable attorney fees, and any  
800 other fee, cost, or expense incurred by or on behalf of the  
801 association in the collection process which ~~that~~ became due  
802 before the mortgagee's acquisition of title is limited to the  
803 lesser of:

804 a. The unit's unpaid common expenses and regular periodic  
805 assessments which accrued or came due during the 12 months  
806 immediately preceding the acquisition of title and for which  
807 payment in full has not been received by the association; or

808 b. One percent of the original mortgage debt. The  
809 provisions of this paragraph apply only if the first mortgagee  
810 joined the association as a defendant in the foreclosure action.  
811 Joinder of the association is not required if, on the date the  
812 complaint is filed, the association was dissolved or did not

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813 maintain an office or agent for service of process at a location  
814 which was known to or reasonably discoverable by the mortgagee.

815 2. An association, or its successor or assignee, that  
816 acquires title to a unit through the foreclosure of its lien for  
817 assessments is not liable for any unpaid assessments, late fees,  
818 interest, or reasonable attorney ~~attorney's~~ fees and costs that  
819 came due before the association's acquisition of title in favor  
820 of any other association, as defined in s. 718.103(2) or s.  
821 720.301(9), which holds a superior lien interest on the unit.  
822 This subparagraph is intended to clarify existing law.

823 (3) Assessments and installments on assessments which are  
824 not paid when due bear interest at the rate provided in the  
825 declaration, from the due date until paid. The rate may not  
826 exceed the rate allowed by law, and, if no rate is provided in  
827 the declaration, interest accrues at the rate of 18 percent per  
828 year. If provided by the declaration or bylaws, the association  
829 may, in addition to such interest, charge an administrative late  
830 fee of up to the greater of \$25 or 5 percent of each delinquent  
831 installment for which the payment is late. The association may  
832 also recover from the unit owner any reasonable charges imposed  
833 upon the association under a written contract with its  
834 management or bookkeeping company or collection agent which are  
835 incurred in connection with collecting a delinquent assessment.  
836 Such charges must be based on the actual time expended  
837 performing necessary, nonduplicative services. Fees for  
838 collection are not recoverable for the period after referral of  
839 the matter to an association's legal counsel. Any payment  
840 received by an association must be applied first to any interest  
841 accrued by the association, then to any administrative late fee,

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842 then to any costs and reasonable attorney ~~attorney's~~ fees  
843 incurred in collection, then to any reasonable costs for  
844 collection services contracted by the association, and then to  
845 the delinquent assessment. The foregoing is applicable  
846 notwithstanding s. 673.3111, any purported accord and  
847 satisfaction, or any restrictive endorsement, designation, or  
848 instruction placed on or accompanying a payment. The preceding  
849 sentence is intended to clarify existing law. A late fee is not  
850 subject to chapter 687 or s. 718.303(4).

851 (5)

852 (b) To be valid, a claim of lien must state the description  
853 of the condominium parcel, the name of the record owner, the  
854 name and address of the association, the amount due, and the due  
855 dates. It must be executed and acknowledged by an officer or  
856 authorized agent of the association. The lien is not effective 1  
857 year after the claim of lien was recorded unless, within that  
858 time, an action to enforce the lien is commenced. The 1-year  
859 period is automatically extended for any length of time during  
860 which the association is prevented from filing a foreclosure  
861 action by an automatic stay resulting from a bankruptcy petition  
862 filed by the parcel owner or any other person claiming an  
863 interest in the parcel. The claim of lien secures all unpaid  
864 assessments that are due and that may accrue after the claim of  
865 lien is recorded and through the entry of a final judgment, as  
866 well as interest, authorized administrative late fees, and all  
867 reasonable costs and attorney ~~attorney's~~ fees incurred by the  
868 association incident to the collection process, including, but  
869 not limited to, any reasonable costs for collection services  
870 contracted for by the association. Upon payment in full, the

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871 person making the payment is entitled to a satisfaction of the  
872 lien.

873 Section 7. Section 718.128, Florida Statutes, is created to  
874 read:

875 718.128 Electronic voting.—The association may conduct  
876 elections and other unit owner votes through an Internet-based  
877 online voting system if a unit owner consents in writing to  
878 online voting and if the following requirements are met:

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

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

882 (b) For elections of the board, a method to transmit an  
883 electronic ballot to the online voting system that ensures the  
884 secrecy and integrity of each ballot.

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

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

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

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

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

894 (d) For elections of the board of administration, able to  
895 permanently separate any authentication or identifying  
896 information from the electronic election ballot, rendering it  
897 impossible to tie an election ballot to a specific unit owner.

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

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900       (3) A unit owner voting electronically pursuant to this  
901 section shall be counted as being in attendance at the meeting  
902 for purposes of determining a quorum. A substantive vote of the  
903 unit owners may not be taken on any issue other than the issues  
904 specifically identified in the electronic vote when a quorum is  
905 established based on unit owners voting electronically pursuant  
906 to this section.

907       (4) This section applies to an association that provides  
908 for and authorizes an online voting system pursuant to this  
909 section by a board resolution. The board resolution must provide  
910 that unit owners receive notice of the opportunity to vote  
911 through an online voting system, must establish reasonable  
912 procedures and deadlines for unit owners to consent in writing  
913 to online voting, and must establish reasonable procedures and  
914 deadlines for unit owners to opt out of online voting after  
915 giving consent. Written notice of a meeting at which the  
916 resolution will be considered must be mailed, delivered, or  
917 electronically transmitted to the unit owners and posted  
918 conspicuously on the condominium property or association  
919 property at least 14 days before the meeting. Evidence of  
920 compliance with the 14-day notice requirement must be made by an  
921 affidavit executed by the person providing the notice and filed  
922 with the official records of the association.

923       (5) A unit owner's consent to online voting is valid until  
924 the unit owner opts out of online voting according to the  
925 procedures established by the board of administration pursuant  
926 to paragraph (4).

927       (6) This section may apply to any matter that requires a  
928 vote of the unit owners.



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929 Section 8. Subsections (1) and (4) of section 718.301,  
930 Florida Statutes, are amended to read:

931 718.301 Transfer of association control; claims of defect  
932 by association.—

933 (1) If unit owners other than the developer own 15 percent  
934 or more of the units ~~in a condominium~~ that ultimately will be  
935 operated ~~ultimately~~ by an association, as provided in the  
936 declaration, articles of incorporation, or bylaws as originally  
937 recorded, the unit owners other than the developer are entitled  
938 to elect at least one-third of the members of the board of  
939 administration of the association. Unit owners other than the  
940 developer are entitled to elect at least a majority of the  
941 members of the board of administration of an association, ~~upon~~  
942 the first ~~to occur of any~~ of the following events that occur:

943 (a) Three years after 50 percent of the units that  
944 ultimately will be operated ~~ultimately~~ by the association, as  
945 provided in the declaration, articles of incorporation, or  
946 bylaws as originally recorded, have been conveyed to  
947 purchasers. ~~†~~

948 (b) Three months after 90 percent of the units that  
949 ultimately will be operated ~~ultimately~~ by the association, as  
950 provided in the declaration, articles of incorporation, or  
951 bylaws as originally recorded, have been conveyed to  
952 purchasers. ~~†~~

953 (c) When all the units that ultimately will be operated  
954 ~~ultimately~~ by the association, as provided in the declaration,  
955 articles of incorporation, or bylaws as originally recorded,  
956 have been completed, some of them have been conveyed to  
957 purchasers, and none of the others is ~~are~~ being offered for sale

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958 by the developer in the ordinary course of business.~~†~~

959 (d) When some of the units have been conveyed to purchasers  
960 and none of the others is ~~are~~ being constructed or offered for  
961 sale by the developer in the ordinary course of business.~~†~~

962 (e) When the developer files a petition seeking protection  
963 in bankruptcy.~~†~~

964 (f) When a bulk-unit purchaser who owns a majority of the  
965 units that ultimately will be operated by the association, as  
966 provided in the declaration, articles of incorporation, or  
967 bylaws as originally recorded, files a petition seeking  
968 protection in bankruptcy.

969 (g) ~~(f)~~ When a receiver for the developer is appointed by a  
970 circuit court and is not discharged within 30 days after such  
971 appointment, unless the court determines within 30 days after  
972 appointment of the receiver that transfer of control would be  
973 detrimental to the association or its members.~~†~~ ~~or~~

974 (h) When a receiver for a bulk-unit purchaser who owns a  
975 majority of the units that ultimately will be operated by the  
976 association, as provided in the declaration, articles of  
977 incorporation, or bylaws as originally recorded, is appointed by  
978 a circuit court and is not discharged within 30 days after such  
979 appointment, unless the court determines within 30 days after  
980 appointment of the receiver that transfer of control would be  
981 detrimental to the association or its members.

982 (i) Five years after the date of recording of the first  
983 conveyance to a bulk-unit purchaser who owns a majority of the  
984 units that ultimately will be operated by the association, as  
985 provided in the declaration, articles of incorporation, or  
986 bylaws as originally recorded. Notwithstanding that unit owners

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987 other than the developer are entitled to elect a majority of the  
988 members of the board of administration and notwithstanding s.  
989 718.112(2)(f)2., 5 years after the date of recording of the  
990 first conveyance of a unit to a bulk-unit purchaser who owns a  
991 majority of the units, the bulk-unit purchaser may exercise the  
992 right to vote for each unit owned by the bulk-unit purchaser in  
993 the same manner as any other unit owner except for the purposes  
994 of reacquiring control of the association or electing or  
995 appointing a majority of the members of the board of  
996 administration.

997 (j)~~(g)~~ Seven years after the date of the recording of the  
998 certificate of a surveyor and mapper pursuant to s.  
999 718.104(4)(e) or the recording of an instrument that transfers  
1000 title to a unit in the condominium which is not accompanied by a  
1001 recorded assignment of developer rights in favor of the grantee  
1002 of such unit, whichever occurs first; or, in the case of an  
1003 association that ~~may~~ ultimately may operate more than one  
1004 condominium, 7 years after the date of the recording of the  
1005 certificate of a surveyor and mapper pursuant to s.  
1006 718.104(4)(e) or the recording of an instrument that transfers  
1007 title to a unit which is not accompanied by a recorded  
1008 assignment of developer rights in favor of the grantee of such  
1009 unit, whichever occurs first, for the first condominium it  
1010 operates; or, in the case of an association operating a phase  
1011 condominium created pursuant to s. 718.403, 7 years after the  
1012 date of the recording of the certificate of a surveyor and  
1013 mapper pursuant to s. 718.104(4)(e) or the recording of an  
1014 instrument that transfers title to a unit which is not  
1015 accompanied by a recorded assignment of developer rights in

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1016 favor of the grantee of such unit, whichever occurs first.

1017  
1018 The developer is entitled to elect at least one member of the  
1019 board of administration of an association as long as the  
1020 developer holds for sale in the ordinary course of business at  
1021 least 5 percent, in condominiums with fewer than 500 units, and  
1022 2 percent, in condominiums with more than 500 units, of the  
1023 units in a condominium operated by the association. After the  
1024 developer relinquishes control of the association, the developer  
1025 may exercise the right to vote any developer-owned units in the  
1026 same manner as any other unit owner except for purposes of  
1027 reacquiring control of the association or selecting a the  
1028 majority of the members of the board of administration.

1029 (4) At the time that unit owners other than the developer  
1030 elect a majority of the members of the board of administration  
1031 of an association, the developer or bulk-unit purchaser shall  
1032 relinquish control of the association, and the unit owners shall  
1033 accept control. Simultaneously, or for the purposes of paragraph  
1034 (c) not more than 90 days thereafter, the developer or bulk-unit  
1035 purchaser shall deliver to the association, at the developer's  
1036 or bulk-unit purchaser's expense, all property of the unit  
1037 owners and of the association which is held or controlled by the  
1038 developer or bulk-unit purchaser, including, but not limited to,  
1039 the following items, if applicable, as to each condominium  
1040 operated by the association:

1041 (a)1. The original or a photocopy of the recorded  
1042 declaration of condominium and all amendments thereto. If a  
1043 photocopy is provided, it must be certified by affidavit of the  
1044 developer, a bulk-unit purchaser, or an officer or agent of the

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1045 developer or bulk-unit purchaser as being a complete copy of the  
1046 actual recorded declaration.

1047 2. A certified copy of the articles of incorporation of the  
1048 association or, if the association was created before ~~prior to~~  
1049 the effective date of this act and it is not incorporated,  
1050 copies of the documents creating the association.

1051 3. A copy of the bylaws.

1052 4. The minute books, including all minutes, and other books  
1053 and records of the association, if any.

1054 5. Any house rules and regulations that have been adopted  
1055 ~~promulgated~~.

1056 (b) Resignations of officers and members of the board of  
1057 administration who are required to resign because the developer  
1058 or bulk-unit purchaser is required to relinquish control of the  
1059 association.

1060 (c) The financial records, including financial statements  
1061 of the association, and source documents from the incorporation  
1062 of the association through the date of turnover. The records  
1063 must be audited for the period from the incorporation of the  
1064 association or from the period covered by the last audit, if an  
1065 audit has been performed for each fiscal year since  
1066 incorporation, by an independent certified public accountant.  
1067 All financial statements must be prepared in accordance with  
1068 generally accepted accounting principles and must be audited in  
1069 accordance with generally accepted auditing standards, as  
1070 prescribed by the Florida Board of Accountancy, pursuant to  
1071 chapter 473. The accountant performing the audit shall examine  
1072 to the extent necessary supporting documents and records,  
1073 including the cash disbursements and related paid invoices, to

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1074 determine whether ~~if~~ expenditures were for association purposes  
1075 and the billings, cash receipts, and related records to  
1076 determine whether ~~that~~ the developer or bulk-unit purchaser was  
1077 charged and paid the proper amounts of assessments.

1078 (d) Association funds or control thereof.

1079 (e) All tangible personal property that is property of the  
1080 association, which is represented by the developer or bulk-unit  
1081 purchaser to be part of the common elements or which is  
1082 ostensibly part of the common elements, and an inventory of that  
1083 property.

1084 (f) A copy of the plans and specifications used ~~utilized~~ in  
1085 the construction or remodeling of improvements and the supplying  
1086 of equipment to the condominium and in the construction and  
1087 installation of all mechanical components serving the  
1088 improvements and the site with a certificate in affidavit form  
1089 of the developer, the bulk-unit purchaser, or the developer's or  
1090 bulk-unit purchaser's agent or an architect or engineer  
1091 authorized to practice in this state that such plans and  
1092 specifications represent, to the best of his or her knowledge  
1093 and belief, the actual plans and specifications used ~~utilized~~ in  
1094 the construction and improvement of the condominium property and  
1095 for the construction and installation of the mechanical  
1096 components serving the improvements. If the condominium property  
1097 has been declared a condominium more than 3 years after the  
1098 completion of construction or remodeling of the improvements,  
1099 ~~the requirements of this paragraph~~ does ~~de~~ not apply.

1100 (g) A list of the names and addresses of all contractors,  
1101 subcontractors, and suppliers used ~~utilized~~ in the construction  
1102 or remodeling of the improvements and in the landscaping of the

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1103 condominium or association property which the developer or bulk-  
1104 unit purchaser had knowledge of at any time in the development  
1105 of the condominium.

1106 (h) Insurance policies.

1107 (i) Copies of any certificates of occupancy that may have  
1108 been issued for the condominium property.

1109 (j) Any other permits applicable to the condominium  
1110 property which have been issued by governmental bodies and are  
1111 in force or were issued within 1 year before ~~prior to~~ the date  
1112 the unit owners other than the developer or bulk-unit purchaser  
1113 took control of the association.

1114 (k) All written warranties of the contractor,  
1115 subcontractors, suppliers, and manufacturers, if any, that are  
1116 still effective.

1117 (l) A roster of unit owners and their addresses and  
1118 telephone numbers, if known, as shown on the developer's or  
1119 bulk-unit purchaser's records.

1120 (m) Leases of the common elements and other leases to which  
1121 the association is a party.

1122 (n) Employment contracts or service contracts in which the  
1123 association is one of the contracting parties or service  
1124 contracts in which the association or the unit owners have an  
1125 obligation or responsibility, directly or indirectly, to pay  
1126 some or all of the fee or charge of the person or persons  
1127 performing the service.

1128 (o) All other contracts to which the association is a  
1129 party.

1130 (p) A report included in the official records, under seal  
1131 of an architect or engineer authorized to practice in this

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1132 state, attesting to required maintenance, useful life, and  
1133 replacement costs of the following applicable common elements  
1134 comprising a turnover inspection report:

- 1135 1. Roof.
- 1136 2. Structure.
- 1137 3. Fireproofing and fire protection systems.
- 1138 4. Elevators.
- 1139 5. Heating and cooling systems.
- 1140 6. Plumbing.
- 1141 7. Electrical systems.
- 1142 8. Swimming pool or spa and equipment.
- 1143 9. Seawalls.
- 1144 10. Pavement and parking areas.
- 1145 11. Drainage systems.
- 1146 12. Painting.
- 1147 13. Irrigation systems.

1148 (q) A copy of the certificate of a surveyor and mapper  
1149 recorded pursuant to s. 718.104(4)(e) or the recorded instrument  
1150 that transfers title to a unit in the condominium which is not  
1151 accompanied by a recorded assignment of developer or bulk-unit  
1152 purchaser rights in favor of the grantee of such unit, whichever  
1153 occurred first.

1154 Section 9. Subsections (1) through (4) of section 718.302,  
1155 Florida Statutes, are amended to read:

1156 718.302 Agreements entered into by the association.—

1157 (1) A ~~Any~~ grant or reservation made by a declaration,  
1158 lease, or other document, and a ~~any~~ contract made by an  
1159 association before ~~prior to~~ assumption of control of the  
1160 association by unit owners other than the developer, a bulk-unit



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1161 purchaser, or a lender-unit purchaser, which ~~that~~ provides for  
1162 operation, maintenance, or management of a condominium  
1163 association or property serving the unit owners of a condominium  
1164 must ~~shall~~ be fair and reasonable, and such grant, reservation,  
1165 or contract may be canceled by unit owners other than the  
1166 developer or a bulk-unit purchaser. A lender-unit purchaser may  
1167 not vote on cancellation of a grant, reservation, or contract  
1168 made by the association while the association is under control  
1169 of that lender-unit purchaser.†

1170 (a) If the association operates only one condominium and  
1171 the unit owners other than the developer, a bulk-unit purchaser,  
1172 or a lender-unit purchaser have assumed control of the  
1173 association, or if the unit owners other than the developer, a  
1174 bulk-unit purchaser, or a lender-unit purchaser own at least ~~not~~  
1175 ~~less than~~ 75 percent of the voting interests in the condominium,  
1176 the cancellation shall be by concurrence of the owners of at  
1177 least ~~not less than~~ 75 percent of the voting interests other  
1178 than the voting interests owned by the developer, a bulk-unit  
1179 purchaser, or a lender-unit purchaser. If a grant, reservation,  
1180 or contract is so canceled and the unit owners other than the  
1181 developer or a bulk-unit purchaser have not assumed control of  
1182 the association, the association shall make a new contract or  
1183 otherwise provide for maintenance, management, or operation in  
1184 lieu of the canceled obligation, at the direction of the owners  
1185 of ~~not less than~~ a majority of the voting interests in the  
1186 condominium other than the voting interests owned by the  
1187 developer, a bulk-unit purchaser, or a lender-unit purchaser.

1188 (b) If the association operates more than one condominium  
1189 and the unit owners other than the developer, a bulk-unit

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1190 purchaser, or a lender-unit purchaser have not assumed control  
1191 of the association, and if the unit owners other than the  
1192 developer or a bulk-unit purchaser own at least 75 percent of  
1193 the voting interests in a condominium operated by the  
1194 association, any grant, reservation, or contract for  
1195 maintenance, management, or operation of buildings containing  
1196 the units in that condominium or of improvements used only by  
1197 the unit owners of that condominium may be canceled by  
1198 concurrence of the owners of at least 75 percent of the voting  
1199 interests in the condominium other than the voting interests  
1200 owned by the developer or a bulk-unit purchaser. A ~~no~~ grant,  
1201 reservation, or contract for maintenance, management, or  
1202 operation of recreational areas or any other property serving  
1203 more than one condominium, and operated by more than one  
1204 association, may not be canceled except pursuant to paragraph  
1205 (d).

1206 (c) If the association operates more than one condominium  
1207 and the unit owners other than the developer, a bulk-unit  
1208 purchaser, or a lender-unit purchaser have assumed control of  
1209 the association, the cancellation shall be by concurrence of the  
1210 owners of at least ~~not less than~~ 75 percent of the total number  
1211 of voting interests in all condominiums operated by the  
1212 association other than the voting interests owned by the  
1213 developer or a bulk-unit purchaser.

1214 (d) If the owners of units in a condominium have the right  
1215 to use property in common with owners of units in other  
1216 condominiums and those condominiums are operated by more than  
1217 one association, a ~~no~~ grant, reservation, or contract for  
1218 maintenance, management, or operation of the property serving

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1219 more than one condominium may not be canceled until the unit  
1220 owners other than the developer, a bulk-unit purchaser, or a  
1221 lender-unit purchaser have assumed control of all of the  
1222 associations operating the condominiums that are to be served by  
1223 the recreational area or other property, after which  
1224 cancellation may be effected by concurrence of the owners of at  
1225 least ~~not less than~~ 75 percent of the total number of voting  
1226 interests in those condominiums other than voting interests  
1227 owned by the developer, a bulk-unit purchaser, or a lender-unit  
1228 purchaser.

1229 (2) A ~~Any~~ grant or reservation made by a declaration,  
1230 lease, or other document, or a ~~any~~ contract made by the  
1231 developer or association before ~~prior to the time when~~ unit  
1232 owners other than the developer or a bulk-unit purchaser elect a  
1233 majority of the board of administration, which grant,  
1234 reservation, or contract requires the association to purchase  
1235 condominium property or to lease condominium property to another  
1236 party, shall be deemed ratified unless rejected by a majority of  
1237 the voting interests of the unit owners other than the developer  
1238 or a bulk-unit purchaser within 18 months after the unit owners  
1239 other than the developer or a bulk-unit purchaser elect a  
1240 majority of the board of administration. A lender-unit purchaser  
1241 may not vote on cancellation of a grant, reservation, or  
1242 contract made by the association while the association is under  
1243 control of that lender-unit purchaser. This subsection does not  
1244 apply to a ~~any~~ grant or reservation made by a declaration under  
1245 which ~~whereby~~ persons other than the developer or the  
1246 developer's or bulk-unit purchaser's heirs, assigns, affiliates,  
1247 directors, officers, or employees are granted the right to use

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1248 the condominium property, ~~if so long as~~ such persons are  
1249 obligated to pay at least, ~~at a minimum~~, a proportionate share  
1250 of the cost associated with such property.

1251 (3) A ~~Any~~ grant or reservation made by a declaration,  
1252 lease, or other document, and a ~~any~~ contract made by an  
1253 association, whether before or after assumption of control of  
1254 the association by unit owners other than the developer, a bulk-  
1255 unit purchaser, or a lender-unit purchaser, which ~~that~~ provides  
1256 for operation, maintenance, or management of a condominium  
1257 association or property serving the unit owners of a condominium  
1258 may ~~shall~~ not ~~be in~~ conflict with the powers and duties of the  
1259 association or the rights of the unit owners as provided in this  
1260 chapter. This subsection is intended only as a clarification of  
1261 existing law.

1262 (4) A ~~Any~~ grant or reservation made by a declaration,  
1263 lease, or other document, and a ~~any~~ contract made by an  
1264 association before ~~prior to~~ assumption of control of the  
1265 association by unit owners other than the developer, a bulk-unit  
1266 purchaser, or a lender-unit purchaser, must ~~shall~~ be fair and  
1267 reasonable.

1268 Section 10. Subsections (3), (4), and (5) of section  
1269 718.303, Florida Statutes, are amended, and subsection (7) is  
1270 added to that section, to read:

1271 718.303 Obligations of owners and occupants; remedies.—

1272 (3) The association may levy reasonable fines for the  
1273 failure of the owner of the unit or its occupant, licensee, or  
1274 invitee to comply with any provision of the declaration, the  
1275 association bylaws, or reasonable rules of the association. A  
1276 fine may not become a lien against a unit. A fine may be levied

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1277 by the board or its authorized designee on the basis of each day  
1278 of a continuing violation, with a single notice and opportunity  
1279 for hearing before an impartial committee as provided in  
1280 paragraph (b). However, the fine may not exceed \$100 per  
1281 violation, or \$1,000 in the aggregate.

1282 (a) An association may suspend, for a reasonable period of  
1283 time, the right of a unit owner, or a unit owner's tenant,  
1284 guest, or invitee, to use the common elements, common  
1285 facilities, or any other association property for failure to  
1286 comply with any provision of the declaration, the association  
1287 bylaws, or reasonable rules of the association. This paragraph  
1288 does not apply to limited common elements intended to be used  
1289 only by that unit, common elements needed to access the unit,  
1290 utility services provided to the unit, parking spaces, or  
1291 elevators.

1292 (b) A fine or suspension levied by the board of  
1293 administration or its authorized designee may not be imposed  
1294 unless the board ~~association~~ first provides at least 14 days'  
1295 written notice and an opportunity for a hearing to the unit  
1296 owner and, if applicable, its occupant, licensee, or invitee.  
1297 The hearing must be held before an impartial ~~a~~ committee of  
1298 other unit owners who are neither board members, ~~nor~~ persons  
1299 residing in a board member's household, the board's authorized  
1300 designee, nor persons residing in the household of the board's  
1301 authorized designee. The role of the impartial committee is  
1302 limited to determining whether to confirm or reject the fine or  
1303 suspension levied by the board. If the impartial committee does  
1304 not agree, the fine or suspension may not be imposed.

1305 (4) If a unit owner is more than 90 days delinquent in

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1306 paying a fee, fine, or other monetary obligation due to the  
1307 association, the association may suspend the right of the unit  
1308 owner or the unit's occupant, licensee, or invitee to use common  
1309 elements, common facilities, or any other association property  
1310 until the fee, fine, or other monetary obligation is paid in  
1311 full. This subsection does not apply to limited common elements  
1312 intended to be used only by that unit, common elements needed to  
1313 access the unit, utility services provided to the unit, parking  
1314 spaces, or elevators. The notice and hearing requirements under  
1315 subsection (3) do not apply to suspensions imposed under this  
1316 subsection.

1317 (5) An association may suspend the voting rights of a unit  
1318 or member due to nonpayment of any fee, fine, or other monetary  
1319 obligation due to the association which is more than 90 days  
1320 delinquent. A voting interest or consent right allocated to a  
1321 unit or member which has been suspended by the association shall  
1322 be subtracted from ~~may not be counted towards~~ the total number  
1323 of voting interests in the association, which shall be reduced  
1324 by the number of suspended voting interests when calculating the  
1325 total percentage or number of all voting interests available to  
1326 take or approve any action, and the suspended voting interests  
1327 may not be considered for any purpose, including, but not  
1328 limited to, the percentage or number of voting interests  
1329 necessary to constitute a quorum, the percentage or number of  
1330 voting interests required to conduct an election, or the  
1331 percentage or number of voting interests required to approve an  
1332 action under this chapter or pursuant to the declaration,  
1333 articles of incorporation, or bylaws. The suspension ends upon  
1334 full payment of all obligations currently due or overdue the

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1335 association. The notice and hearing requirements under  
1336 subsection (3) do not apply to a suspension imposed under this  
1337 subsection.

1338 (7) The suspensions permitted by paragraph (3)(a) and  
1339 subsections (4) and (5) apply to a member and, when appropriate,  
1340 the member's tenants, guests, or invitees, even if the  
1341 delinquency or failure that resulted in the suspension arose  
1342 from less than all of the multiple units owned by the member.

1343 Section 11. Subsection (1) of section 718.501, Florida  
1344 Statutes, is amended to read:

1345 718.501 Authority, responsibility, and duties of Division  
1346 of Florida Condominiums, Timeshares, and Mobile Homes.—

1347 (1) The division may enforce and ensure compliance with ~~the~~  
1348 ~~provisions of~~ this chapter and rules relating to the  
1349 development, construction, sale, lease, ownership, operation,  
1350 and management of residential condominium units. In performing  
1351 its duties, the division has complete jurisdiction to  
1352 investigate complaints and enforce compliance with respect to  
1353 associations that are still under the control of the developer,  
1354 the control of a bulk-unit purchaser or lender-unit purchaser,  
1355 or the control of a bulk assignee or bulk buyer pursuant to part  
1356 VII of this chapter and complaints against developers, bulk-unit  
1357 purchasers, lender-unit purchasers, bulk assignees, or bulk  
1358 buyers involving improper turnover or failure to turnover,  
1359 pursuant to s. 718.301. However, after turnover has occurred,  
1360 the division has jurisdiction to investigate only complaints  
1361 related ~~only~~ to financial issues, elections, and unit owner  
1362 access to association records pursuant to s. 718.111(12).

1363 (a)1. The division may make necessary public or private

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1364 investigations within or outside this state to determine whether  
1365 any person has violated this chapter or any rule or order  
1366 hereunder, to aid in the enforcement of this chapter, or to aid  
1367 in the adoption of rules or forms.

1368 2. The division may submit any official written report,  
1369 worksheet, or other related paper, or a duly certified copy  
1370 thereof, compiled, prepared, drafted, or otherwise made by and  
1371 duly authenticated by a financial examiner or analyst to be  
1372 admitted as competent evidence in any hearing in which the  
1373 financial examiner or analyst is available for cross-examination  
1374 and attests under oath that such documents were prepared as a  
1375 result of an examination or inspection conducted pursuant to  
1376 this chapter.

1377 (b) The division may require or permit any person to file a  
1378 statement in writing, under oath or otherwise, as the division  
1379 determines, as to the facts and circumstances concerning a  
1380 matter to be investigated.

1381 (c) For the purpose of any investigation under this  
1382 chapter, the division director or any officer or employee  
1383 designated by the division director may administer oaths or  
1384 affirmations, subpoena witnesses and compel their attendance,  
1385 take evidence, and require the production of any matter that  
1386 ~~which~~ is relevant to the investigation, including the existence,  
1387 description, nature, custody, condition, and location of any  
1388 books, documents, or other tangible things and the identity and  
1389 location of persons having knowledge of relevant facts or any  
1390 other matter reasonably calculated to lead to the discovery of  
1391 material evidence. Upon the failure of ~~by~~ a person to obey a  
1392 subpoena or to answer questions propounded by the investigating



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1393 officer and upon reasonable notice to all affected persons, the  
1394 division may apply to the circuit court for an order compelling  
1395 compliance.

1396 (d) Notwithstanding any remedies available to unit owners  
1397 and associations, if the division has reasonable cause to  
1398 believe that a violation of ~~any provision of~~ this chapter or a  
1399 related rule has occurred, the division may institute  
1400 enforcement proceedings in its own name against any developer,  
1401 bulk-unit purchaser, lender-unit purchaser, bulk assignee, bulk  
1402 buyer, association, officer, or member of the board of  
1403 administration, or his or her ~~its~~ assignees or agents, as  
1404 follows:

1405 1. The division may permit a person whose conduct or  
1406 actions may be under investigation to waive formal proceedings  
1407 and enter into a consent proceeding under which ~~whereby~~ orders,  
1408 rules, or letters of censure or warning, whether formal or  
1409 informal, may be entered against the person.

1410 2. The division may issue an order requiring the developer,  
1411 bulk-unit purchaser, lender-unit purchaser, bulk assignee, bulk  
1412 buyer, association, developer-designated officer, or developer-  
1413 designated member of the board of administration, or his or her  
1414 ~~developer-designated~~ assignees or agents, the ~~bulk assignee-~~  
1415 ~~designated assignees or agents, bulk buyer-designated assignees~~  
1416 ~~or agents,~~ community association manager, or the ~~community~~  
1417 ~~association~~ management firm to cease and desist from the  
1418 unlawful practice and take such affirmative action as in the  
1419 judgment of the division to carry out the purposes of this  
1420 chapter. If the division finds that a developer, bulk-unit  
1421 purchaser, lender-unit purchaser, bulk assignee, bulk buyer,

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1422 association, officer, or member of the board of administration,  
1423 or his or her ~~its~~ assignees or agents, is violating or is about  
1424 to violate ~~any provision of~~ this chapter, any rule adopted or  
1425 order issued by the division, or any written agreement entered  
1426 into with the division, ~~and~~ the violation presents an immediate  
1427 danger to the public requiring an immediate final order, it may  
1428 issue an emergency cease and desist order reciting with  
1429 particularity the facts underlying such findings. The emergency  
1430 cease and desist order is effective for 90 days. If the division  
1431 begins nonemergency cease and desist proceedings, the emergency  
1432 cease and desist order remains effective until the conclusion of  
1433 the proceedings under ss. 120.569 and 120.57.

1434 3. If a developer, bulk-unit purchaser, lender-unit  
1435 purchaser, bulk assignee, or bulk buyer, ~~fails to pay any~~  
1436 restitution determined by the division to be owed ~~and, plus~~ any  
1437 accrued interest charged at the highest rate permitted by law,  
1438 within 30 days after expiration of any appellate time period of  
1439 a final order requiring payment of restitution or the conclusion  
1440 of any appeal thereof, whichever is later, the division shall  
1441 ~~must~~ bring an action in circuit or county court on behalf of any  
1442 association, class of unit owners, lessees, or purchasers for  
1443 restitution, declaratory relief, injunctive relief, or any other  
1444 available remedy. The division may also temporarily revoke its  
1445 acceptance of the filing for the developer, bulk-unit purchaser,  
1446 or lender-unit purchaser, to which the restitution relates until  
1447 payment of restitution is made.

1448 4. The division may petition the court for appointment of a  
1449 receiver or conservator who, ~~if appointed, the receiver or~~  
1450 ~~conservator~~ may take action to implement the court order to

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1451 ensure the performance of the order and to remedy any breach  
1452 thereof. In addition to all other means provided by law for the  
1453 enforcement of an injunction or temporary restraining order, the  
1454 circuit court may impound or sequester the property of a party  
1455 defendant, including books, papers, documents, and related  
1456 records, and allow the examination and use of the property by  
1457 the division and a court-appointed receiver or conservator.

1458 5. The division may apply to the circuit court for an order  
1459 of restitution under which ~~whereby~~ the defendant in an action  
1460 brought pursuant to subparagraph 4. is ordered to make  
1461 restitution of those sums shown by the division to have been  
1462 obtained by the defendant in violation of this chapter. At the  
1463 option of the court, such restitution is payable to the  
1464 conservator or receiver appointed pursuant to subparagraph 4. or  
1465 directly to the persons whose funds or assets were obtained in  
1466 violation of this chapter.

1467 6. The division may impose a civil penalty against a  
1468 developer, bulk-unit purchaser, lender-unit purchaser, bulk  
1469 assignee, ~~or~~ bulk buyer, or association, or its assignee or  
1470 agent, for a ~~any~~ violation of this chapter or a related rule.  
1471 The division may impose a civil penalty individually against an  
1472 officer or board member who willfully and knowingly violates ~~a~~  
1473 ~~provision of~~ this chapter, an adopted rule, or a final order of  
1474 the division; may order the removal of such individual as an  
1475 officer or from the board of administration or as an officer of  
1476 the association; and may prohibit such individual from serving  
1477 as an officer or on the board of a community association for a  
1478 period of time. The term "willfully and knowingly" means that  
1479 the division informed the officer or board member that his or

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1480 her action or intended action violates this chapter, a rule  
1481 adopted under this chapter, or a final order of the division and  
1482 that the officer or board member refused to comply with ~~the~~  
1483 ~~requirements of~~ this chapter, a rule adopted under this chapter,  
1484 or a final order of the division. ~~The division,~~ Before  
1485 initiating formal agency action under chapter 120, the division  
1486 must afford the officer or board member an opportunity to  
1487 voluntarily comply, and an officer or board member who complies  
1488 within 10 days is not subject to a civil penalty. A penalty may  
1489 be imposed on the basis of each day of continuing violation, but  
1490 the penalty for any offense may not exceed \$5,000. ~~By January 1,~~  
1491 ~~1998,~~ The division shall adopt, by rule, penalty guidelines  
1492 applicable to possible violations or to categories of violations  
1493 of this chapter or rules adopted by the division. The guidelines  
1494 must specify a meaningful range of civil penalties for each such  
1495 violation of the statute and rules and must be based upon the  
1496 harm caused by the violation, the repetition of the violation,  
1497 and upon such other factors deemed relevant by the division. ~~For~~  
1498 ~~example,~~ The division may consider whether the violations were  
1499 committed by a developer, bulk-unit purchaser, lender-unit  
1500 purchaser, bulk assignee, or bulk buyer, or owner-controlled  
1501 association, the size of the association, and other factors. The  
1502 guidelines must designate the possible mitigating or aggravating  
1503 circumstances that justify a departure from the range of  
1504 penalties provided by the rules. It is the legislative intent  
1505 that minor violations be distinguished from those that ~~which~~  
1506 endanger the health, safety, or welfare of ~~the~~ condominium  
1507 residents or other persons and that such guidelines provide  
1508 reasonable and meaningful notice to the public of likely

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1509 penalties that may be imposed for proscribed conduct. This  
1510 subsection does not limit the ability of the division to  
1511 informally dispose of administrative actions or complaints by  
1512 stipulation, agreed settlement, or consent order. All amounts  
1513 collected shall be deposited with the Chief Financial Officer to  
1514 the credit of the Division of Florida Condominiums, Timeshares,  
1515 and Mobile Homes Trust Fund. If a developer, bulk-unit  
1516 purchaser, lender-unit purchaser, bulk assignee, or bulk buyer  
1517 fails to pay the civil penalty and the amount deemed to be owed  
1518 to the association, the division shall issue an order directing  
1519 that such developer, bulk-unit purchaser, lender-unit purchaser,  
1520 bulk assignee, or bulk buyer cease and desist from further  
1521 operation until such time as the civil penalty is paid or may  
1522 pursue enforcement of the penalty in a court of competent  
1523 jurisdiction. If an association fails to pay the civil penalty,  
1524 the division shall pursue enforcement in a court of competent  
1525 jurisdiction, and the order imposing the civil penalty or the  
1526 cease and desist order is not effective until 20 days after the  
1527 date of such order. Any action commenced by the division shall  
1528 be brought in the county in which the division has its executive  
1529 offices or in the county where the violation occurred.

1530 7. If a unit owner presents the division with proof that  
1531 the unit owner has requested access to official records in  
1532 writing by certified mail, and that after 10 days the unit owner  
1533 again made the same request for access to official records in  
1534 writing by certified mail, and that more than 10 days has  
1535 elapsed since the second request and the association has still  
1536 failed or refused to provide access to official records as  
1537 required by this chapter, the division shall issue a subpoena

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1538 requiring production of the requested records where the records  
1539 are kept pursuant to s. 718.112.

1540 8. In addition to subparagraph 6., the division may seek  
1541 the imposition of a civil penalty through the circuit court for  
1542 any violation for which the division may issue a notice to show  
1543 cause under paragraph (r). The civil penalty shall be at least  
1544 \$500 but no more than \$5,000 for each violation. The court may  
1545 also award to the prevailing party court costs and reasonable  
1546 attorney ~~attorney's~~ fees and, if the division prevails, may also  
1547 award reasonable costs of investigation.

1548 (e) The division may prepare and disseminate a prospectus  
1549 and other information to assist prospective owners, purchasers,  
1550 lessees, and developers of residential condominiums in assessing  
1551 the rights, privileges, and duties pertaining thereto.

1552 (f) The division may adopt rules to administer and enforce  
1553 ~~the provisions of~~ this chapter.

1554 (g) The division shall establish procedures for providing  
1555 notice to an association and the developer, bulk-unit purchaser,  
1556 lender-unit purchaser, bulk assignee, or bulk buyer during the  
1557 period in which the developer, bulk-unit purchaser, lender-unit  
1558 purchaser, bulk assignee, or bulk buyer controls the association  
1559 if the division is considering the issuance of a declaratory  
1560 statement with respect to the declaration of condominium or any  
1561 related document governing such condominium community.

1562 (h) The division shall furnish each association that pays  
1563 the fees required by paragraph (2) (a) a copy of this chapter, as  
1564 amended, and the rules adopted thereto on an annual basis.

1565 (i) The division shall annually provide each association  
1566 with a summary of declaratory statements and formal legal

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1567 opinions relating to the operations of condominiums which were  
1568 rendered by the division during the previous year.

1569 (j) The division shall provide training and educational  
1570 programs for condominium association board members and unit  
1571 owners. The training may, at ~~in~~ the division's discretion,  
1572 include web-based electronic media, and live training and  
1573 seminars in various locations throughout the state. The division  
1574 may review and approve education and training programs for board  
1575 members and unit owners offered by providers, and shall maintain  
1576 a current list of approved programs and providers, and shall  
1577 make such list available to board members and unit owners in a  
1578 reasonable and cost-effective manner.

1579 (k) The division shall maintain a toll-free telephone  
1580 number accessible to condominium unit owners.

1581 (l) The division shall develop a program to certify both  
1582 volunteer and paid mediators to provide mediation of condominium  
1583 disputes. Upon request, the division shall provide, ~~upon~~  
1584 ~~request,~~ a list of such mediators to any association, unit  
1585 owner, or other participant in arbitration proceedings under s.  
1586 718.1255 requesting a copy of the list. The division shall  
1587 include on the list of volunteer mediators only the names of  
1588 individuals ~~persons~~ who have received at least 20 hours of  
1589 training in mediation techniques or who have mediated at least  
1590 20 disputes. In order to become initially certified by the  
1591 division, paid mediators must be certified by the Supreme Court  
1592 to mediate court cases in county or circuit courts. However, the  
1593 division may adopt, by rule, additional factors for the  
1594 certification of paid mediators, which must be related to  
1595 experience, education, or background. In order to continue to be

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1596 certified, an individual ~~Any person~~ initially certified as a  
1597 paid mediator by the division ~~must, in order to continue to be~~  
1598 ~~certified,~~ comply with the factors or requirements adopted by  
1599 rule.

1600 (m) If a complaint is made, the division shall ~~must~~ conduct  
1601 its inquiry with due regard for the interests of the affected  
1602 parties. Within 30 days after receipt of a complaint, the  
1603 division shall acknowledge the complaint in writing and notify  
1604 the complainant as to whether the complaint is within the  
1605 jurisdiction of the division and whether additional information  
1606 is needed by the division from the complainant. The division  
1607 shall conduct its investigation and, within 90 days after  
1608 receipt of the original complaint or of timely requested  
1609 additional information, take action upon the complaint. However,  
1610 the failure to complete the investigation within 90 days does  
1611 not prevent the division from continuing the investigation,  
1612 accepting or considering evidence obtained or received after 90  
1613 days, or taking administrative action if reasonable cause exists  
1614 to believe that a violation of this chapter or a rule has  
1615 occurred. If an investigation is not completed within the time  
1616 limits established in this paragraph, the division shall, on a  
1617 monthly basis, notify the complainant in writing of the status  
1618 of the investigation. When reporting its action to the  
1619 complainant, the division shall inform the complainant of any  
1620 right to a hearing pursuant to ss. 120.569 and 120.57.

1621 (n) Condominium association directors, officers, and  
1622 employees; condominium developers; bulk-unit purchasers, lender-  
1623 unit purchasers, bulk assignees, bulk buyers, and community  
1624 association managers; and community association management firms



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1625 have an ongoing duty to reasonably cooperate with the division  
1626 in any investigation pursuant to this section. The division  
1627 shall refer to local law enforcement authorities any person who  
1628 ~~whom~~ the division believes has altered, destroyed, concealed, or  
1629 removed any record, document, or thing required to be kept or  
1630 maintained by this chapter with the purpose to impair its verity  
1631 or availability in the department's investigation.

1632 (o) The division may:

- 1633 1. Contract with agencies in this state or other  
1634 jurisdictions to perform investigative functions; or  
1635 2. Accept grants-in-aid from any source.

1636 (p) The division shall cooperate with similar agencies in  
1637 other jurisdictions to establish uniform filing procedures and  
1638 forms, public offering statements, advertising standards, and  
1639 rules and common administrative practices.

1640 (q) The division shall consider notice to a developer,  
1641 bulk-unit purchaser, lender-unit purchaser, bulk assignee, or  
1642 bulk buyer to be complete when it is delivered to the address of  
1643 the developer, bulk-unit purchaser, lender-unit purchaser, bulk  
1644 assignee, or bulk buyer currently on file with the division.

1645 (r) In addition to its enforcement authority, the division  
1646 may issue a notice to show cause, which must provide for a  
1647 hearing, upon written request, in accordance with chapter 120.

1648 (s) The division shall submit to the Governor, the  
1649 President of the Senate, the Speaker of the House of  
1650 Representatives, and the chairs of the legislative  
1651 appropriations committees an annual report that includes, but  
1652 need not be limited to, the number of training programs provided  
1653 for condominium association board members and unit owners; ~~it~~ the

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1654 number of complaints received, ~~by type;~~ the number and percent  
1655 of complaints acknowledged in writing within 30 days and the  
1656 number and percent of investigations acted upon within 90 days  
1657 in accordance with paragraph (m); ~~and the number of~~  
1658 investigations exceeding the 90-day requirement. The annual  
1659 report must also include an evaluation of the division's core  
1660 business processes and make recommendations for improvements,  
1661 including statutory changes. The report shall be submitted by  
1662 September 30 following the end of the fiscal year.

1663 Section 12. Section 718.709, Florida Statutes, is created  
1664 to read:

1665 718.709 Applicability.—Sections 718.701-718.708, relating  
1666 to the Distressed Condominium Relief Act, apply to title to  
1667 units acquired on or after July 1, 2010, but before July 1,  
1668 2016.

1669 Section 13. Part VIII of chapter 718, Florida Statutes,  
1670 consisting of sections 718.801-718.813, is created to read:

1671 PART VIII

1672 BULK-UNIT PURCHASERS AND LENDER-UNIT PURCHASERS

1673 718.801 Legislative intent.—The Legislature declares that  
1674 it is the public policy of this state to protect the interests  
1675 of developers, lenders, unit owners, and condominium  
1676 associations with regard to bulk-unit purchasers or lender-unit  
1677 purchasers of condominium units and that there is a need to  
1678 balance such interests by limiting the applicability of the  
1679 Distressed Condominium Relief Act. Notwithstanding the  
1680 limitation, the Distressed Condominium Relief Act applies to  
1681 title acquired on or after July 1, 2010, but before July 1,  
1682 2016.

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- 1683 718.802 Definitions.—As used in this part, the term:  
1684 (1) "Bulk assignee" means a person who is not a bulk buyer  
1685 and who:  
1686 (a) Acquires more than seven condominium parcels in a  
1687 single condominium;  
1688 (b) Receives an assignment of any of the developer rights,  
1689 other than or in addition to those rights described in  
1690 subsection (3), as set forth in the declaration of condominium  
1691 or this chapter:  
1692 1. By a written instrument recorded as part of or as an  
1693 exhibit of the deed;  
1694 2. By a separate instrument recorded in the public records  
1695 of the county in which the condominium is located; or  
1696 3. Pursuant to a final judgment or certificate of title  
1697 issued in favor of a purchaser at a foreclosure sale; and  
1698 (c) Acquired condominium parcels on or after July 1, 2010,  
1699 but before July 1, 2016. The date of such acquisition shall be  
1700 determined by the date of recording a deed or other instrument  
1701 of conveyance for such parcels in the public records of the  
1702 county in which the condominium is located, or by the date of  
1703 issuing a certificate of title in a foreclosure proceeding with  
1704 respect to such condominium parcels.  
1705  
1706 A mortgagee or its assignee may not be deemed a bulk assignee or  
1707 developer by reason of the acquisition of condominium units and  
1708 receipt of an assignment of some or all of a developer's rights  
1709 unless the mortgage or its assignee exercises any of the  
1710 developer rights other than those described in subsection (3).  
1711 (2) "Bulk-unit purchaser" means a person who acquires title

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1712 to the greater of at least eight units or 20 percent of the  
1713 units that ultimately will be operated by the same association,  
1714 as provided in the declaration, articles of incorporation, or  
1715 bylaws as originally recorded. Multiple bulk-unit purchasers may  
1716 be members of an association simultaneously or successively.  
1717 There may be one or more bulk-unit purchasers while the  
1718 developer still owns units operated by the association. A person  
1719 who acquires title to units or timeshare interests in a  
1720 condominium, which units or timeshare interests are or  
1721 ultimately will be included in a timeshare plan governed by  
1722 chapter 721, may elect to be a bulk-unit purchaser pursuant to  
1723 s. 718.813. The term does not include a lender-unit purchaser.  
1724 Further, the term does not include an acquirer of units if any  
1725 transfer of title to the acquirer is made:

1726 (a) With intent to defraud or materially harm a purchaser,  
1727 a unit owner, or the association;

1728 (b) Where the acquirer is a person or limited liability  
1729 company that would be an insider, as defined in s. 726.102, of  
1730 the bulk-unit purchaser or of the developer; or

1731 (c) As a fraudulent transfer under chapter 726.

1732 (3) "Bulk buyer" means a person who acquired condominium  
1733 parcels on or after July 1, 2010, but before July 1, 2016, and  
1734 the date of acquisition shall be determined in the same manner  
1735 as in subsection (1). Further, the term means a person who  
1736 acquires more than seven condominium parcels in a single  
1737 condominium but who does not receive an assignment of any  
1738 developer rights or receives only some or all of the following  
1739 rights:

1740 (a) The right to conduct sales, leasing, and marketing

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1741 activities within the condominium.

1742 (b) The right to be exempt from the payment of working  
1743 capital contributions to the condominium association arising out  
1744 of, or in connection with, the bulk buyer's acquisition of the  
1745 units.

1746 (c) The right to be exempt from any rights of first refusal  
1747 which may be held by the condominium association and would  
1748 otherwise be applicable to subsequent transfers of title from  
1749 the bulk buyer to a third-party purchaser concerning one or more  
1750 units.

1751 (4) "Lender-unit purchaser" means a person, or the person's  
1752 successors, assigns, or wholly owned subsidiaries, who holds a  
1753 mortgage from a developer or from a bulk-unit purchaser on the  
1754 greater of at least eight units or 20 percent of the units that,  
1755 as provided in the declaration, articles of incorporation, or  
1756 bylaws as originally recorded, ultimately will be operated by  
1757 the same association; who subsequently obtains title to such  
1758 units through foreclosure or deed in lieu of foreclosure; and  
1759 who makes the election to become a lender-unit purchaser  
1760 pursuant to 718.808(4). However, a mortgagee or its wholly owned  
1761 subsidiary that acquires and sells units to one or more bulk-  
1762 unit purchasers is not a developer or a lender-unit purchaser  
1763 with respect to the sale.

1764 718.803 Exercise of rights.-

1765 (1) A bulk-unit purchaser may exercise only the following  
1766 developer rights, provided such rights are contained in the  
1767 declaration:

1768 (a) The right to conduct sales, leasing, and marketing  
1769 activities within the condominium, including the use of the

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1770 sales and leasing office.

1771 (b) The right to assign limited common elements and use  
1772 rights to common elements and association property which were  
1773 not assigned before the bulk-unit purchaser acquired title to  
1774 the units. Such rights may include, without limitation, the  
1775 rights to garages, parking spaces, storage areas, and cabanas.  
1776 If there is more than one bulk-unit purchaser, this right must  
1777 be established in a written assignment from the developer which  
1778 specifies the bulk-unit purchaser who has such a right as to  
1779 specified limited common elements, common elements, and  
1780 association property.

1781 (c) For a phase condominium, the right to add phases.

1782 (2) If the initial purchaser of a unit from the developer  
1783 is required to make a working capital contribution to the  
1784 association, a bulk-unit purchaser shall pay a working capital  
1785 contribution to the association, which must be calculated in the  
1786 same manner for each unit acquired, upon the earlier of:

1787 (a) Sale of a unit by the bulk-unit purchaser to a third  
1788 party other than the bulk-unit purchaser; or

1789 (b) Five years from the date of acquisition of title to a  
1790 unit by the bulk-unit purchaser.

1791 (3) If a bulk-unit purchaser exercises developer rights  
1792 other than those specified in subsection (1), he or she is no  
1793 longer deemed to be a bulk-unit purchaser, and this part does  
1794 not apply to such person.

1795 (4) Except as set forth in this part, a lender-unit  
1796 purchaser may exercise any developer rights that the lender-unit  
1797 purchaser acquires.

1798 718.804 Compliance.—A bulk-unit purchaser and a lender-unit

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1799 purchaser shall comply with all applicable requirements of s.  
1800 718.202 and part V of this chapter in connection with any units  
1801 that they own or sell.

1802 718.805 Voting rights.-

1803 (1) For the first 2 fiscal years following the first  
1804 conveyance of a unit to a bulk-unit purchaser or lender-unit  
1805 purchaser, the bulk-unit purchaser or lender-unit purchaser may  
1806 vote the voting interests allocated to his or her units to waive  
1807 reserves or reduce the funding of reserves. After these 2 fiscal  
1808 years, the bulk-unit purchaser or lender-unit purchaser may not  
1809 vote his or her voting interests to waive reserves or reduce the  
1810 funding of reserves until the bulk-unit purchaser or lender-unit  
1811 purchaser holds less than a majority of the voting interests in  
1812 the association.

1813 (2) A bulk-unit purchaser or lender-unit purchaser may not  
1814 transfer his or her right to vote to waive reserves or reduce  
1815 the funding of reserves to other bulk-unit purchasers or lender-  
1816 unit purchasers to extend the time period in subsection (1).

1817 718.806 Assessment liability; election of directors.-

1818 (1) BULK-UNIT PURCHASER ASSESSMENT LIABILITY.-A bulk-unit  
1819 purchaser is liable for all assessments on his or her units  
1820 which become due while the bulk-unit purchaser holds title to  
1821 such units. Additionally, the bulk-unit purchaser is jointly and  
1822 severally liable with the previous owner for all unpaid regular  
1823 periodic assessments and special assessments that became due  
1824 before the acquisition of title, for all other monetary  
1825 obligations accrued which are secured by the association's lien,  
1826 and for all costs advanced by the association for the  
1827 maintenance and repair of the units acquired by the bulk-unit

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1828 purchaser.

1829 (2) LENDER-UNIT PURCHASER ASSESSMENT LIABILITY.—The  
1830 liability of a lender-unit purchaser or his or her successors or  
1831 assignees for the units that the lender-unit purchaser owns is  
1832 limited to the lesser of:

1833 (a) The units' unpaid common expenses and the regular  
1834 periodic assessments that accrued or became due during the 12  
1835 months immediately preceding the lender-unit purchaser's  
1836 acquisition of title and for which payment in full has not been  
1837 received by the association; or

1838 (b) One percent of the original mortgage debt.

1839  
1840 The lender-unit purchaser acquiring title must comply with s.  
1841 718.116(1) (c).

1842 (3) DIRECTOR ELECTED BY BULK-UNIT PURCHASER.—A director who  
1843 has been elected or appointed by a bulk-unit purchaser is  
1844 automatically suspended from board service for 30 days following  
1845 the failure of the bulk-unit purchaser to timely pay monetary  
1846 obligations on a unit the bulk-unit purchaser owns. The  
1847 remaining directors may temporarily fill the vacancy created by  
1848 the suspension. Once the bulk-unit purchaser has cured all  
1849 outstanding delinquencies on the unit, the suspended director  
1850 shall replace the temporary appointee and resume service on the  
1851 board for the unexpired term.

1852 718.807 Amendments and material alterations.—

1853 (1) The following amendments or alterations may not go into  
1854 effect unless approved by a majority vote of unit owners other  
1855 than the developer, a bulk-unit purchaser, or a lender-unit  
1856 purchaser:



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- 1857       (a) An amendment described in s. 718.110(4) or (8).
- 1858       (b) An amendment creating, changing, or terminating leasing  
1859 restrictions.
- 1860       (c) An amendment of the declaration pertaining to the  
1861 condominium's status as housing for older persons.
- 1862       (d) An amendment pursuant to s. 718.110(14) or an amendment  
1863 that otherwise reclassifies a portion of the common elements as  
1864 a limited common element or that authorizes the association to  
1865 change the limited common elements assigned to any unit.
- 1866       (e) Material alterations or substantial additions to the  
1867 common elements or association property any time one of the  
1868 following owns a percentage of voting interests equal to or  
1869 greater than the percentage required to approve the amendment:
- 1870           1. A bulk-unit purchaser;
- 1871           2. A lender-unit purchaser;
- 1872           3. The developer and a bulk-unit purchaser;
- 1873           4. The developer and a lender-unit purchaser; or
- 1874           5. A bulk-unit purchaser and a lender-unit purchaser.
- 1875       (2) Notwithstanding subsection (1), consent of the  
1876 developer, a bulk-unit purchaser, or a lender-unit purchaser is  
1877 required for an amendment that would otherwise require the  
1878 approval of such voting interests based upon the requirements of  
1879 the declaration, articles of incorporation, or bylaws or s.  
1880 718.110 or s. 718.113.
- 1881       718.808 Warranties and disclosures.—
- 1882       (1) As the seller, a bulk-unit purchaser or lender-unit  
1883 purchaser is deemed to have granted an implied warranty of  
1884 fitness and merchantability to a purchaser of each unit sold for  
1885 a period of 3 years, which begins on the date of the completion

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1886 of repairs or improvements that the bulk-unit purchaser or  
1887 lender-unit purchaser makes to the unit, common elements, or  
1888 limited common elements. The bulk-unit purchaser or lender-unit  
1889 purchaser is not deemed to have granted a warranty on  
1890 improvements, repairs, or alterations to the condominium which  
1891 he or she did not undertake.

1892 (2) The statute of limitations in s. 718.203 is tolled  
1893 while the bulk-unit purchaser begins the process of appointing  
1894 or electing a majority of the board of administration.

1895 (3) As the seller, the bulk-unit purchaser shall include  
1896 the following disclosure to purchasers in conspicuous type on  
1897 the first page of the sales contract:

1898  
1899 SELLER IS A BULK-UNIT PURCHASER UNDER THE CONDOMINIUM ACT.  
1900 SELLER IS NOT THE DEVELOPER OF THE CONDOMINIUM FOR ANY PURPOSE  
1901 UNDER THE CONDOMINIUM ACT.

1902  
1903 (4) A mortgagee who acquires units may elect to become a  
1904 lender-unit purchaser by providing written notice of the  
1905 election to the association addressed to the registered agent at  
1906 the address specified in the records of the Department of State.  
1907 The notice shall be delivered within the time period ending upon  
1908 the earliest of:

1909 (a) The date on which the mortgagee exercises any developer  
1910 rights other than the developer rights described in s.  
1911 718.803(1) (a);

1912 (b) Before the sale of a unit by the mortgagee; or

1913 (c) One hundred eighty days after the recording of the  
1914 certificate of title or of the deed in lieu of foreclosure if

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1915 the mortgagee acquired the units by foreclosure or by deed in  
1916 lieu of foreclosure.

1917 (5) As the seller, the lender-unit purchaser shall include  
1918 the following disclosure to purchasers in conspicuous type on  
1919 the first page of the sales contract:

1920  
1921 SELLER IS A LENDER-UNIT PURCHASER UNDER THE CONDOMINIUM ACT.  
1922 SELLER IS NOT THE DEVELOPER OF THE CONDOMINIUM FOR ANY PURPOSE  
1923 UNDER THE CONDOMINIUM ACT. SELLER TOOK TITLE TO THE UNIT(S)  
1924 BEING SOLD TO PURCHASER BY FORECLOSURE OR DEED IN LIEU OF  
1925 FORECLOSURE.

1926  
1927 (6) (a) At or before the signing of a contract to sell a  
1928 unit, the bulk-unit purchaser and the lender-unit purchaser must  
1929 provide a condition report that complies with s. 718.616(2) and  
1930 (3) and this section to the prospective purchaser and must  
1931 obtain verification of delivery of such condition report. A  
1932 condition report is not required in connection with a sale to a  
1933 bulk-unit purchaser or in connection with a deed in lieu of  
1934 foreclosure to a lender-unit purchaser. A mortgagee is not  
1935 required to deliver to a bulk-unit purchaser a condition report  
1936 even if the mortgagee acquires and transfers developer rights to  
1937 such bulk-unit purchaser.

1938 (b) The condition report must include a reasonably detailed  
1939 description of the repairs or replacements necessary to cure  
1940 defective construction identified in the condition report.

1941 (c) If, during the course of preparing the condition  
1942 report, the architect or engineer becomes aware of a component  
1943 that violates an applicable building code or federal or state

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1944 law or that deviates from the building plans approved by the  
1945 permitting authority, the architect or engineer shall disclose  
1946 such information in the condition report. The architect or  
1947 engineer shall make written inquiry to the applicable local  
1948 government authority of any building code violations and shall  
1949 include in the condition report any of the authority's responses  
1950 or its failure to respond.

1951 (d) The condition report shall be prepared before the bulk-  
1952 unit purchaser or the lender-unit purchaser enters into his or  
1953 her first sales contract, but the condition report may not be  
1954 prepared more than 6 months before the first sales contract is  
1955 agreed upon. If the bulk-unit purchaser or lender-unit purchaser  
1956 remains engaged in selling units, the condition report shall be  
1957 updated no later than 1 year after the closing of the first  
1958 sales contract and each year thereafter.

1959 (e) If a bulk-unit purchaser or lender-unit purchaser fails  
1960 to provide the condition report in accordance with this section,  
1961 the bulk-unit purchaser or lender-unit purchaser is deemed to  
1962 grant implied warranties of fitness and merchantability which  
1963 are not limited to the construction, improvements, or repairs  
1964 that he or she undertakes to the units, common elements, or  
1965 limited common elements.

1966 718.809 Joint and several liability.—For purposes of this  
1967 chapter, if there are multiple bulk-unit purchasers within the  
1968 same association, the units owned by the multiple bulk-unit  
1969 purchasers and the rights of the bulk-unit purchasers shall be  
1970 aggregated as if there were only one bulk-unit purchaser. Each  
1971 bulk-unit purchaser is jointly and severally liable with his or  
1972 her predecessor bulk-unit purchasers for compliance with this

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1973 chapter.

1974 718.810 Construction disputes.—A board of administration  
1975 composed of a majority of directors elected or appointed by a  
1976 bulk-unit purchaser may not resolve a construction dispute that  
1977 is subject to chapter 558 unless such resolution is approved by  
1978 a majority of the voting interests of the unit owners other than  
1979 the developer and a bulk-unit purchaser.

1980 718.811 Noncompliance.—A bulk-unit purchaser or a lender-  
1981 unit purchaser who fails to substantially comply with the  
1982 requirements of this chapter pertaining to the obligations and  
1983 rights of bulk-unit purchasers and lender-unit purchasers  
1984 forfeits all protections or exemptions provided under the  
1985 Condominium Act.

1986 718.812 Documents to be delivered upon turnover.—If a bulk-  
1987 unit purchaser elects a majority of the board of administration  
1988 and the unit owners other than the bulk-unit purchaser elect a  
1989 majority, the bulk-unit purchaser must deliver all of the items  
1990 specified in s. 718.301(4) to the association. However, the  
1991 bulk-unit purchaser is not required to deliver items that were  
1992 never in the possession of the bulk-unit purchaser. In  
1993 conjunction with the acquisition of units, the bulk-unit  
1994 purchaser shall undertake a good faith effort to obtain the  
1995 items specified in s. 718.301(4) which must be delivered to the  
1996 association. If the bulk-unit purchaser cannot obtain such  
1997 items, the bulk-unit purchaser must deliver a certificate in  
1998 writing to the association which names or describes items that  
1999 were not obtainable by the bulk-unit purchaser and which  
2000 describes the good faith efforts that were undertaken to obtain  
2001 the items. Delivery of the certificate relieves the bulk-unit

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2002 purchaser of his or her responsibility under s. 718.301 to  
2003 deliver the documents and materials referenced in the  
2004 certificate. The responsibility of the bulk-unit purchaser to  
2005 conduct the audit required by s. 718.301(4)(c) begins on the  
2006 date the bulk-unit purchaser elects or appoints a majority of  
2007 the members of the board of administration and ends on the date  
2008 the bulk-unit purchaser no longer controls the board.

2009 718.813 Timeshare Condominiums.—With respect to the  
2010 acquisition of title to units or timeshare interests in a  
2011 condominium, which units or timeshare interests are or  
2012 ultimately will be included in a timeshare plan governed by  
2013 chapter 721:

2014 (1) Any person otherwise qualified to be a bulk-unit  
2015 purchaser pursuant to s. 718.802 is not a bulk-unit purchaser  
2016 unless that person makes an election to become a bulk-unit  
2017 purchaser by providing notice to the association addressed to  
2018 the registered agent at the address specified in the records of  
2019 the Department of State. The notice shall be delivered within  
2020 the time period ending upon the earliest of:

2021 (a) The date on which the person exercises any developer  
2022 rights other than the developer rights described in s.  
2023 718.803(1)(a);

2024 (b) The sale of any unit or timeshare interest by the  
2025 person; or

2026 (c) One hundred eighty days after the recording of the deed  
2027 or other instrument of conveyance by which the person acquired  
2028 the units or timeshare interests.

2029 (2) If a person has made an election to be a bulk-unit  
2030 purchaser pursuant to subsection (1), the bulk-unit purchaser,

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2031 when selling units or timeshare interests, shall include the  
2032 following disclosure to purchasers in conspicuous type on the  
2033 first page of the contract for sale of units or timeshare  
2034 interests:

2035

2036 SELLER IS A BULK-UNIT PURCHASER UNDER THE CONDOMINIUM ACT.  
2037 SELLER IS NOT THE DEVELOPER OF THE CONDOMINIUM FOR ANY PURPOSE  
2038 UNDER THE CONDOMINIUM.

2039

2040 Section 14. Paragraph (a) of subsection (2) of section  
2041 719.104, Florida Statutes, is amended to read:

2042 719.104 Cooperatives; access to units; records; financial  
2043 reports; assessments; purchase of leases.—

2044 (2) OFFICIAL RECORDS.—

2045 (a) From the inception of the association, the association  
2046 shall maintain a copy of each of the following, where  
2047 applicable, which shall constitute the official records of the  
2048 association:

2049 1. The plans, permits, warranties, and other items provided  
2050 by the developer pursuant to s. 719.301(4).

2051 2. A photocopy of the cooperative documents.

2052 3. A copy of the current rules of the association.

2053 4. A book or books containing the minutes of all meetings  
2054 of the association, of the board of directors, and of the unit  
2055 owners, which minutes shall be retained for a period of not less  
2056 than 7 years.

2057 5. A current roster of all unit owners and their mailing  
2058 addresses, unit identifications, voting certifications, and, if  
2059 known, telephone numbers. The association shall also maintain

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2060 the electronic mailing addresses and the numbers designated by  
2061 unit owners for receiving notice sent by electronic transmission  
2062 of those unit owners consenting to receive notice by electronic  
2063 transmission. The electronic mailing addresses and numbers  
2064 provided by unit owners to receive notice by electronic  
2065 transmission shall be removed from association records when  
2066 consent to receive notice by electronic transmission is revoked.  
2067 However, the association is not liable for an erroneous  
2068 disclosure of the electronic mail address or the number for  
2069 receiving electronic transmission of notices.

2070 6. All current insurance policies of the association.

2071 7. A current copy of any management agreement, lease, or  
2072 other contract to which the association is a party or under  
2073 which the association or the unit owners have an obligation or  
2074 responsibility.

2075 8. Bills of sale or transfer for all property owned by the  
2076 association.

2077 9. Accounting records for the association and separate  
2078 accounting records for each unit it operates, according to good  
2079 accounting practices. All accounting records shall be maintained  
2080 for a period of not less than 7 years. The accounting records  
2081 shall include, but not be limited to:

2082 a. Accurate, itemized, and detailed records of all receipts  
2083 and expenditures.

2084 b. A current account and a monthly, bimonthly, or quarterly  
2085 statement of the account for each unit designating the name of  
2086 the unit owner, the due date and amount of each assessment, the  
2087 amount paid upon the account, and the balance due.

2088 c. All audits, reviews, accounting statements, and



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2089 financial reports of the association.

2090 d. All contracts for work to be performed. Bids for work to  
2091 be performed shall also be considered official records and shall  
2092 be maintained for a period of 1 year.

2093 10. Ballots, sign-in sheets, voting proxies, and all other  
2094 papers relating to voting by unit owners, which shall be  
2095 maintained for a period of 1 year after the date of the  
2096 election, vote, or meeting to which the document relates.

2097 11. All rental records where the association is acting as  
2098 agent for the rental of units.

2099 12. A copy of the current question and answer sheet as  
2100 described in s. 719.504.

2101 13. All other written records of the association not  
2102 specifically included in the foregoing which are related to the  
2103 operation of the association.

2104 Section 15. Paragraphs (c) and (d) of subsection (1) of  
2105 section 719.106, Florida Statutes, are amended to read:

2106 719.106 Bylaws; cooperative ownership.—

2107 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2108 documents shall provide for the following, and if they do not,  
2109 they shall be deemed to include the following:

2110 (c) *Board of administration meetings.*—Meetings of the board  
2111 of administration at which a quorum of the members is present  
2112 shall be open to all unit owners. Any unit owner may tape record  
2113 or videotape meetings of the board of administration; however, a  
2114 unit owner may not post the recordings on any website or other  
2115 media that can readily be viewed by persons who are not members  
2116 of the association. The right to attend such meetings includes  
2117 the right to speak at such meetings with reference to all

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2118 designated agenda items. The division shall adopt reasonable  
2119 rules governing the tape recording and videotaping of the  
2120 meeting. The association may adopt reasonable written rules  
2121 governing the frequency, duration, and manner of unit owner  
2122 statements. Adequate notice of all meetings shall be posted in a  
2123 conspicuous place upon the cooperative property at least 48  
2124 continuous hours preceding the meeting, except in an emergency.  
2125 Any item not included on the notice may be taken up on an  
2126 emergency basis by at least a majority plus one of the members  
2127 of the board. Such emergency action shall be noticed and  
2128 ratified at the next regular meeting of the board. However,  
2129 written notice of any meeting at which nonemergency special  
2130 assessments, or at which amendment to rules regarding unit use,  
2131 will be considered shall be mailed, delivered, or electronically  
2132 transmitted to the unit owners and posted conspicuously on the  
2133 cooperative property not less than 14 days before the meeting.  
2134 Evidence of compliance with this 14-day notice shall be made by  
2135 an affidavit executed by the person providing the notice and  
2136 filed among the official records of the association. Upon notice  
2137 to the unit owners, the board shall by duly adopted rule  
2138 designate a specific location on the cooperative property upon  
2139 which all notices of board meetings shall be posted. In lieu of  
2140 or in addition to the physical posting of notice of any meeting  
2141 of the board of administration on the cooperative property, the  
2142 association may, by reasonable rule, adopt a procedure for  
2143 conspicuously posting and repeatedly broadcasting the notice and  
2144 the agenda on a closed-circuit cable television system serving  
2145 the cooperative association. However, if broadcast notice is  
2146 used in lieu of a notice posted physically on the cooperative

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2147 property, the notice and agenda must be broadcast at least four  
2148 times every broadcast hour of each day that a posted notice is  
2149 otherwise required under this section. When broadcast notice is  
2150 provided, the notice and agenda must be broadcast in a manner  
2151 and for a sufficient continuous length of time so as to allow an  
2152 average reader to observe the notice and read and comprehend the  
2153 entire content of the notice and the agenda. Notice of any  
2154 meeting in which regular assessments against unit owners are to  
2155 be considered for any reason shall specifically contain a  
2156 statement that assessments will be considered and the nature of  
2157 any such assessments. Meetings of a committee to take final  
2158 action on behalf of the board or to make recommendations to the  
2159 board regarding the association budget are subject to the  
2160 provisions of this paragraph. Meetings of a committee that does  
2161 not take final action on behalf of the board or make  
2162 recommendations to the board regarding the association budget  
2163 are subject to the provisions of this section, unless those  
2164 meetings are exempted from this section by the bylaws of the  
2165 association. Notwithstanding any other law to the contrary, the  
2166 requirement that board meetings and committee meetings be open  
2167 to the unit owners does not apply to board or committee meetings  
2168 held for the purpose of discussing personnel matters or meetings  
2169 between the board or a committee and the association's attorney,  
2170 with respect to proposed or pending litigation, if the meeting  
2171 is held for the purpose of seeking or rendering legal advice.

2172 (d) *Shareholder meetings.*—There shall be an annual meeting  
2173 of the shareholders. All members of the board of administration  
2174 shall be elected at the annual meeting unless the bylaws provide  
2175 for staggered election terms or for their election at another

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2176 meeting. Any unit owner desiring to be a candidate for board  
2177 membership must comply with subparagraph 1. The bylaws must  
2178 provide the method for calling meetings, including annual  
2179 meetings. Written notice, which must incorporate an  
2180 identification of agenda items, shall be given to each unit  
2181 owner at least 14 days before the annual meeting and posted in a  
2182 conspicuous place on the cooperative property at least 14  
2183 continuous days preceding the annual meeting. Upon notice to the  
2184 unit owners, the board must by duly adopted rule designate a  
2185 specific location on the cooperative property upon which all  
2186 notice of unit owner meetings are posted. In lieu of or in  
2187 addition to the physical posting of the meeting notice, the  
2188 association may, by reasonable rule, adopt a procedure for  
2189 conspicuously posting and repeatedly broadcasting the notice and  
2190 the agenda on a closed-circuit cable television system serving  
2191 the cooperative association. However, if broadcast notice is  
2192 used in lieu of a posted notice, the notice and agenda must be  
2193 broadcast at least four times every broadcast hour of each day  
2194 that a posted notice is otherwise required under this section.  
2195 If broadcast notice is provided, the notice and agenda must be  
2196 broadcast in a manner and for a sufficient continuous length of  
2197 time to allow an average reader to observe the notice and read  
2198 and comprehend the entire content of the notice and the agenda.  
2199 Unless a unit owner waives in writing the right to receive  
2200 notice of the annual meeting, the notice of the annual meeting  
2201 must be sent by mail, hand delivered, or electronically  
2202 transmitted to each unit owner. An officer of the association  
2203 must provide an affidavit or United States Postal Service  
2204 certificate of mailing, to be included in the official records

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2205 of the association, affirming that notices of the association  
2206 meeting were mailed, hand delivered, or electronically  
2207 transmitted, in accordance with this provision, to each unit  
2208 owner at the address last furnished to the association.

2209 1. The board of administration shall be elected by written  
2210 ballot or voting machine. A proxy may not be used in electing  
2211 the board of administration in general elections or elections to  
2212 fill vacancies caused by recall, resignation, or otherwise  
2213 unless otherwise provided in this chapter.

2214 a. At least 60 days before a scheduled election, the  
2215 association shall mail, deliver, or transmit, whether by  
2216 separate association mailing, delivery, or electronic  
2217 transmission or included in another association mailing,  
2218 delivery, or electronic transmission, including regularly  
2219 published newsletters, to each unit owner entitled to vote, a  
2220 first notice of the date of the election. Any unit owner or  
2221 other eligible person desiring to be a candidate for the board  
2222 of administration must give written notice to the association at  
2223 least 40 days before a scheduled election. Together with the  
2224 written notice and agenda as set forth in this section, the  
2225 association shall mail, deliver, or electronically transmit a  
2226 second notice of election to all unit owners entitled to vote,  
2227 together with a ballot that lists all candidates. Upon request  
2228 of a candidate, the association shall include an information  
2229 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
2230 furnished by the candidate at least 35 days before the election,  
2231 to be included with the mailing, delivery, or electronic  
2232 transmission of the ballot, with the costs of mailing, delivery,  
2233 or transmission and copying to be borne by the association. The

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2234 association is not liable for the contents of the information  
2235 sheets provided by the candidates. In order to reduce costs, the  
2236 association may print or duplicate the information sheets on  
2237 both sides of the paper. The division shall by rule establish  
2238 voting procedures consistent with this subparagraph, including  
2239 rules establishing procedures for giving notice by electronic  
2240 transmission and rules providing for the secrecy of ballots.  
2241 Elections shall be decided by a plurality of those ballots cast.  
2242 There is no quorum requirement. However, at least 20 percent of  
2243 the eligible voters must cast a ballot in order to have a valid  
2244 election. A unit owner may not permit any other person to vote  
2245 his or her ballot, and any such ballots improperly cast are  
2246 invalid. A unit owner who needs assistance in casting the ballot  
2247 for the reasons stated in s. 101.051 may obtain assistance in  
2248 casting the ballot. Any unit owner violating this provision may  
2249 be fined by the association in accordance with s. 719.303. The  
2250 regular election must occur on the date of the annual meeting.  
2251 This subparagraph does not apply to timeshare cooperatives.  
2252 Notwithstanding this subparagraph, an election and balloting are  
2253 not required unless more candidates file a notice of intent to  
2254 run or are nominated than vacancies exist on the board. Any  
2255 challenge to the election process must be commenced within 60  
2256 days after the election results are announced.

2257       b. Within 90 days after being elected or appointed to the  
2258 board, each new director shall certify in writing to the  
2259 secretary of the association that he or she has read the  
2260 association's bylaws, articles of incorporation, proprietary  
2261 lease, and current written policies; that he or she will work to  
2262 uphold such documents and policies to the best of his or her

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2263 ability; and that he or she will faithfully discharge his or her  
2264 fiduciary responsibility to the association's members. Within 90  
2265 days after being elected or appointed to the board, in lieu of  
2266 this written certification, the newly elected or appointed  
2267 director may submit a certificate of having satisfactorily  
2268 completed the educational curriculum administered by an  
2269 education provider as approved by the division pursuant to the  
2270 requirements established in chapter 718 within 1 year before or  
2271 90 days after the date of election or appointment. The  
2272 educational certificate is valid and does not have to be  
2273 resubmitted as long as the director serves on the board without  
2274 interruption. A director who fails to timely file the written  
2275 certification or educational certificate is suspended from  
2276 service on the board until he or she complies with this sub-  
2277 subparagraph. The board may temporarily fill the vacancy during  
2278 the period of suspension. The secretary of the association shall  
2279 cause the association to retain a director's written  
2280 certification or educational certificate for inspection by the  
2281 members for 5 years after a director's election or the duration  
2282 of the director's uninterrupted tenure, whichever is longer.  
2283 Failure to have such written certification or educational  
2284 certificate on file does not affect the validity of any board  
2285 action.

2286       2. Any approval by unit owners called for by this chapter,  
2287 or the applicable cooperative documents, must be made at a duly  
2288 noticed meeting of unit owners and is subject to this chapter or  
2289 the applicable cooperative documents relating to unit owner  
2290 decisionmaking, except that unit owners may take action by  
2291 written agreement, without meetings, on matters for which action

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2292 by written agreement without meetings is expressly allowed by  
2293 the applicable cooperative documents or law which provides for  
2294 the unit owner action.

2295 3. Unit owners may waive notice of specific meetings if  
2296 allowed by the applicable cooperative documents or law. ~~If~~  
2297 ~~authorized by the bylaws,~~ Notice of meetings of the board of  
2298 administration, shareholder meetings, except shareholder  
2299 meetings called to recall board members under paragraph (f), and  
2300 committee meetings may be given by electronic transmission to  
2301 unit owners who consent to receive notice by electronic  
2302 transmission.

2303 4. Unit owners have the right to participate in meetings of  
2304 unit owners with reference to all designated agenda items.  
2305 However, the association may adopt reasonable rules governing  
2306 the frequency, duration, and manner of unit owner participation.

2307 5. Any unit owner may tape record or videotape meetings of  
2308 the unit owners subject to reasonable rules adopted by the  
2309 division; however, a unit owner may not post the recordings on  
2310 any website or other media that can readily be viewed by persons  
2311 who are not members of the association.

2312 6. Unless otherwise provided in the bylaws, a vacancy  
2313 occurring on the board before the expiration of a term may be  
2314 filled by the affirmative vote of the majority of the remaining  
2315 directors, even if the remaining directors constitute less than  
2316 a quorum, or by the sole remaining director. In the alternative,  
2317 a board may hold an election to fill the vacancy, in which case  
2318 the election procedures must conform to the requirements of  
2319 subparagraph 1. unless the association has opted out of the  
2320 statutory election process, in which case the bylaws of the



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2321 association control. Unless otherwise provided in the bylaws, a  
2322 board member appointed or elected under this subparagraph shall  
2323 fill the vacancy for the unexpired term of the seat being  
2324 filled. Filling vacancies created by recall is governed by  
2325 paragraph (f) and rules adopted by the division.

2326  
2327 Notwithstanding subparagraphs (b)2. and (d)1., an association  
2328 may, by the affirmative vote of a majority of the total voting  
2329 interests, provide for a different voting and election procedure  
2330 in its bylaws, which vote may be by a proxy specifically  
2331 delineating the different voting and election procedures. The  
2332 different voting and election procedures may provide for  
2333 elections to be conducted by limited or general proxy.

2334 Section 16. Subsections (3) and (4) of section 719.108,  
2335 Florida Statutes, are amended to read:

2336 719.108 Rents and assessments; liability; lien and  
2337 priority; interest; collection; cooperative ownership.—

2338 (3) Rents and assessments, and installments on them, not  
2339 paid when due bear interest at the rate provided in the  
2340 cooperative documents from the date due until paid. This rate  
2341 may not exceed the rate allowed by law and, if a rate is not  
2342 provided in the cooperative documents, accrues at 18 percent per  
2343 annum. If the cooperative documents or bylaws so provide, the  
2344 association may charge an administrative late fee in addition to  
2345 such interest, not to exceed the greater of \$25 or 5 percent of  
2346 each installment of the assessment for each delinquent  
2347 installment that the payment is late. The association may also  
2348 recover from the unit owner any reasonable charges imposed upon  
2349 the association under a written contract with its management or

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2350 bookkeeping company or collection agent which are incurred in  
2351 connection with collecting a delinquent assessment. Such charges  
2352 must be based on the actual time expended performing necessary,  
2353 nonduplicative services. Fees for collection are not recoverable  
2354 for the period after referral of the matter to an association's  
2355 legal counsel. Any payment received by an association must be  
2356 applied first to any interest accrued by the association, then  
2357 to any administrative late fee, then to any costs and reasonable  
2358 attorney fees incurred in collection, then to any reasonable  
2359 costs for collection services contracted for by the association,  
2360 and then to the delinquent assessment. The foregoing applies  
2361 notwithstanding s. 673.3111, any purported accord and  
2362 satisfaction, or any restrictive endorsement, designation, or  
2363 instruction placed on or accompanying a payment. The preceding  
2364 sentence is intended to clarify existing law. A late fee is not  
2365 subject to chapter 687 or s. 719.303(4).

2366 (4) The association has a lien on each cooperative parcel  
2367 for any unpaid rents and assessments, plus interest, any  
2368 reasonable costs for collection services contracted for by the  
2369 association, and any ~~authorized~~ administrative late fees. If  
2370 authorized by the cooperative documents, the lien also secures  
2371 reasonable attorney fees incurred by the association incident to  
2372 the collection of the rents and assessments or enforcement of  
2373 such lien. The lien is effective from and after recording a  
2374 claim of lien in the public records in the county in which the  
2375 cooperative parcel is located which states the description of  
2376 the cooperative parcel, the name of the unit owner, the amount  
2377 due, and the due dates. Except as otherwise provided in this  
2378 chapter, a lien may not be filed by the association against a

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2379 cooperative parcel until 30 days after the date on which a  
 2380 notice of intent to file a lien has been delivered to the owner.

2381 (a) The notice must be sent to the unit owner at the  
 2382 address of the unit by first-class United States mail, and the  
 2383 notice must be in substantially the following form:

2384 NOTICE OF INTENT  
 2385 TO RECORD A CLAIM OF LIEN

2386 RE: Unit ...(unit number)... of ...(name of cooperative)...

2387 The following amounts are currently due on your account to  
 2388 ...(name of association)..., and must be paid within 30 days  
 2389 after your receipt of this letter. This letter shall serve as  
 2390 the association's notice of intent to record a Claim of Lien  
 2391 against your property no sooner than 30 days after your receipt  
 2392 of this letter, unless you pay in full the amounts set forth  
 2393 below:

- 2394 Maintenance due ...(dates)... \$.....
- 2395 Late fee, if applicable \$.....
- 2396 Interest through ...(dates)...\* \$.....
- 2397 Certified mail charges \$.....
- 2398 Other costs \$.....
- 2399 TOTAL OUTSTANDING \$.....

2400 \*Interest accrues at the rate of .... percent per annum.

2401 1. If the most recent address of the unit owner on the  
 2402 records of the association is the address of the unit, the  
 2403 notice must be sent by certified mail, return receipt requested,  
 2404 to the unit owner at the address of the unit.

2405 2. If the most recent address of the unit owner on the  
 2406 records of the association is in the United States, but is not  
 2407 the address of the unit, the notice must be sent by certified

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2408 mail, return receipt requested, to the unit owner at his or her  
2409 most recent address.

2410 3. If the most recent address of the unit owner on the  
2411 records of the association is not in the United States, the  
2412 notice must be sent by first-class United States mail to the  
2413 unit owner at his or her most recent address.

2414 (b) A notice that is sent pursuant to this subsection is  
2415 deemed delivered upon mailing. A claim of lien must be executed  
2416 and acknowledged by an officer or authorized agent of the  
2417 association. The lien is not effective 1 year after the claim of  
2418 lien was recorded unless, within that time, an action to enforce  
2419 the lien is commenced. The 1-year period is automatically  
2420 extended for any length of time during which the association is  
2421 prevented from filing a foreclosure action by an automatic stay  
2422 resulting from a bankruptcy petition filed by the parcel owner  
2423 or any other person claiming an interest in the parcel. The  
2424 claim of lien secures all unpaid rents and assessments that are  
2425 due and that may accrue after the claim of lien is recorded and  
2426 through the entry of a final judgment, as well as interest and  
2427 all reasonable costs and attorney fees incurred by the  
2428 association incident to the collection process. Upon payment in  
2429 full, the person making the payment is entitled to a  
2430 satisfaction of the lien.

2431 (c) By recording a notice in substantially the following  
2432 form, a unit owner or the unit owner's agent or attorney may  
2433 require the association to enforce a recorded claim of lien  
2434 against his or her cooperative parcel:

2435 NOTICE OF CONTEST OF LIEN

2436 TO: ... (Name and address of association) ...:

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2437 You are notified that the undersigned contests the claim of lien  
2438 filed by you on ....., ...(year)..., and recorded in Official  
2439 Records Book .... at Page ....., of the public records of ....  
2440 County, Florida, and that the time within which you may file  
2441 suit to enforce your lien is limited to 90 days from the date of  
2442 service of this notice. Executed this .... day of .....,  
2443 ...(year)....

2444 Signed: ...(Owner or Attorney)...

2445 After notice of contest of lien has been recorded, the clerk of  
2446 the circuit court shall mail a copy of the recorded notice to  
2447 the association by certified mail, return receipt requested, at  
2448 the address shown in the claim of lien or most recent amendment  
2449 to it and shall certify to the service on the face of the  
2450 notice. Service is complete upon mailing. After service, the  
2451 association has 90 days in which to file an action to enforce  
2452 the lien. If the action is not filed within the 90-day period,  
2453 the lien is void. However, the 90-day period shall be extended  
2454 for any length of time during which the association is prevented  
2455 from filing its action because of an automatic stay resulting  
2456 from the filing of a bankruptcy petition by the unit owner or by  
2457 any other person claiming an interest in the parcel.

2458 (d) A release of lien must be in substantially the  
2459 following form:

2460 RELEASE OF LIEN

2461 The undersigned lienor, in consideration of the final payment in  
2462 the amount of \$....., hereby waives and releases its lien and  
2463 right to claim a lien for unpaid assessments through .....,  
2464 ...(year)..., recorded in the Official Records Book .... at Page  
2465 ....., of the public records of .... County, Florida, for the

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2466 following described real property:  
 2467 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO. .... OF ... (NAME  
 2468 OF COOPERATIVE) ..., A COOPERATIVE AS SET FORTH IN THE  
 2469 COOPERATIVE DOCUMENTS AND THE EXHIBITS ANNEXED THERETO AND  
 2470 FORMING A PART THEREOF, RECORDED IN OFFICIAL RECORDS BOOK .....,  
 2471 PAGE ....., OF THE PUBLIC RECORDS OF .... COUNTY, FLORIDA.  
 2472 ... (Signature of Authorized Agent) ... ... (Signature of  
 2473 Witness) ...

2474 ... (Print Name) ... ... (Print Name) ...  
 2475 ... (Signature of Witness) ...  
 2476 ... (Print Name) ...

2477 Sworn to (or affirmed) and subscribed before me this .... day of  
 2478 ....., ... (year) ..., by ... (name of person making statement) ...  
 2479 ... (Signature of Notary Public) ...

2480 ... (Print, type, or stamp commissioned name of Notary Public) ...  
 2481 Personally Known .... OR Produced .... as identification.

2482 Section 17. Section 719.129, Florida Statutes, is created  
 2483 to read:

2484 719.129 Electronic voting.—The association may conduct  
 2485 elections and other unit owner votes through an Internet-based  
 2486 online voting system if a unit owner consents in writing to  
 2487 online voting and if the following requirements are met:

2488 (1) The association provides each unit owner with:  
 2489 (a) A method to authenticate the unit owner’s identity to  
 2490 the online voting system.

2491 (b) For elections of the board, a method to transmit an  
 2492 electronic ballot to the online voting system that ensures the  
 2493 secrecy and integrity of each ballot.

2494 (c) A method to confirm, at least 14 days before the voting

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2495 deadline, that the unit owner's electronic device can  
2496 successfully communicate with the online voting system.

2497 (2) The association uses an online voting system that is:

2498 (a) Able to authenticate the unit owner's identity.

2499 (b) Able to authenticate the validity of each electronic  
2500 vote to ensure that the vote is not altered in transit.

2501 (c) Able to transmit a receipt from the online voting  
2502 system to each unit owner who casts an electronic vote.

2503 (d) For elections of the board of administration, able to  
2504 permanently separate any authentication or identifying  
2505 information from the electronic election ballot, rendering it  
2506 impossible to tie an election ballot to a specific unit owner.

2507 (e) Able to store and keep electronic votes accessible to  
2508 election officials for recount, inspection, and review purposes.

2509 (3) A unit owner voting electronically pursuant to this  
2510 section shall be counted as being in attendance at the meeting  
2511 for purposes of determining a quorum. A substantive vote of the  
2512 unit owners may not be taken on any issue other than the issues  
2513 specifically identified in the electronic vote when a quorum is  
2514 established based on unit owners voting electronically pursuant  
2515 to this section.

2516 (4) This section applies to an association that provides  
2517 for and authorizes an online voting system pursuant to this  
2518 section by a board resolution. The board resolution must provide  
2519 that unit owners receive notice of the opportunity to vote  
2520 through an online voting system, must establish reasonable  
2521 procedures and deadlines for unit owners to consent in writing  
2522 to online voting, and must establish reasonable procedures and  
2523 deadlines for unit owners to opt out of online voting after

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2524 giving consent. Written notice of a meeting at which the  
2525 resolution will be considered must be mailed, delivered, or  
2526 electronically transmitted to the unit owners and posted  
2527 conspicuously on the condominium property or association  
2528 property at least 14 days before the meeting. Evidence of  
2529 compliance with the 14-day notice requirement must be made by an  
2530 affidavit executed by the person providing the notice and filed  
2531 with the official records of the association.

2532 (5) A unit owner's consent to online voting is valid until  
2533 the unit owner opts out of online voting pursuant to the  
2534 procedures established by the board of administration pursuant  
2535 to paragraph (4).

2536 (6) This section may apply to any matter that requires a  
2537 vote of the unit owners.

2538 Section 18. Subsection (3) of section 719.303, Florida  
2539 Statutes, is amended to read:

2540 719.303 Obligations of owners.—

2541 (3) The association may levy reasonable fines for failure  
2542 of the unit owner or the unit's occupant, licensee, or invitee  
2543 to comply with any provision of the cooperative documents or  
2544 reasonable rules of the association. A fine may not become a  
2545 lien against a unit. A fine may be levied by the board of  
2546 administration or its authorized designee on the basis of each  
2547 day of a continuing violation, with a single notice and  
2548 opportunity for hearing before an impartial committee as  
2549 provided in paragraph (b). However, the fine may not exceed \$100  
2550 per violation, or \$1,000 in the aggregate.

2551 (a) An association may suspend, for a reasonable period of  
2552 time, the right of a unit owner, or a unit owner's tenant,



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2553 guest, or invitee, to use the common elements, common  
2554 facilities, or any other association property for failure to  
2555 comply with any provision of the cooperative documents or  
2556 reasonable rules of the association. This paragraph does not  
2557 apply to limited common elements intended to be used only by  
2558 that unit, common elements needed to access the unit, utility  
2559 services provided to the unit, parking spaces, or elevators.

2560 (b) A fine or suspension levied by the board of  
2561 administration or its authorized designee may not be imposed  
2562 unless the board first provides at least 14 days' written ~~except~~  
2563 ~~after giving reasonable~~ notice and an opportunity for a hearing  
2564 to the unit owner and, if applicable, its occupant, the unit's  
2565 licensee, or invitee. The hearing must be held before an  
2566 impartial ~~a~~ committee of other unit owners who are neither board  
2567 members, persons residing in a board member's household, nor the  
2568 authorized designee or members of the authorized designee's  
2569 household. The role of the impartial committee is limited to  
2570 determining whether to confirm or reject the fine or suspension  
2571 levied by the board or its authorized designee. If the impartial  
2572 committee does not agree with the fine or suspension, it may not  
2573 be imposed.

2574 Section 19. Subsection (8) of section 720.301, Florida  
2575 Statutes, is amended to read:

2576 720.301 Definitions.—As used in this chapter, the term:

2577 (8) "Governing documents" means:

2578 (a) The recorded declaration of covenants for a community,  
2579 and all duly adopted and recorded amendments, supplements, and  
2580 recorded exhibits thereto; ~~and~~

2581 (b) The articles of incorporation and bylaws of the

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2582 homeowners' association~~7~~ and any duly adopted amendments  
2583 thereto; and

2584 (c) Rules and regulations adopted under the authority of  
2585 the recorded declaration, articles of incorporation, or bylaws  
2586 and duly adopted amendments thereto.

2587 Section 20. Section 720.3015, Florida Statutes, is created  
2588 to read:

2589 720.3015 Short title.—This chapter may be cited as the  
2590 "Homeowners' Association Act."

2591 Section 21. Paragraph (c) of subsection (2) of section  
2592 720.303, Florida Statutes, is amended to read:

2593 720.303 Association powers and duties; meetings of board;  
2594 official records; budgets; financial reporting; association  
2595 funds; recalls.—

2596 (2) BOARD MEETINGS.—

2597 (c) The bylaws shall provide for giving notice to parcel  
2598 owners and members of all board meetings and, if they do not do  
2599 so, shall be deemed to provide the following:

2600 1. Notices of all board meetings must be posted in a  
2601 conspicuous place in the community at least 48 hours in advance  
2602 of a meeting, except in an emergency. In the alternative, if  
2603 notice is not posted in a conspicuous place in the community,  
2604 notice of each board meeting must be mailed or delivered to each  
2605 member at least 7 days before the meeting, except in an  
2606 emergency. Notwithstanding this general notice requirement, for  
2607 communities with more than 100 members, the bylaws may provide  
2608 for a reasonable alternative to posting or mailing of notice for  
2609 each board meeting, including publication of notice, provision  
2610 of a schedule of board meetings, or the conspicuous posting and

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2611 repeated broadcasting of the notice on a closed-circuit cable  
2612 television system serving the homeowners' association. However,  
2613 if broadcast notice is used in lieu of a notice posted  
2614 physically in the community, the notice must be broadcast at  
2615 least four times every broadcast hour of each day that a posted  
2616 notice is otherwise required. When broadcast notice is provided,  
2617 the notice and agenda must be broadcast in a manner and for a  
2618 sufficient continuous length of time so as to allow an average  
2619 reader to observe the notice and read and comprehend the entire  
2620 content of the notice and the agenda. The association bylaws ~~or~~  
2621 ~~amended bylaws~~ may provide for giving notice by electronic  
2622 transmission in a manner authorized by law for meetings of the  
2623 board of directors, committee meetings requiring notice under  
2624 this section, and annual and special meetings of the members;  
2625 however, a member must consent in writing to receiving notice by  
2626 electronic transmission.

2627         2. An assessment may not be levied at a board meeting  
2628 unless the notice of the meeting includes a statement that  
2629 assessments will be considered and the nature of the  
2630 assessments. Written notice of any meeting at which special  
2631 assessments will be considered or at which amendments to rules  
2632 regarding parcel use will be considered must be mailed,  
2633 delivered, or electronically transmitted to the members and  
2634 parcel owners and posted conspicuously on the property or  
2635 broadcast on closed-circuit cable television not less than 14  
2636 days before the meeting.

2637         3. Directors may not vote by proxy or by secret ballot at  
2638 board meetings, except that secret ballots may be used in the  
2639 election of officers. This subsection also applies to the

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2640 meetings of any committee or other similar body, when a final  
2641 decision will be made regarding the expenditure of association  
2642 funds, and to any body vested with the power to approve or  
2643 disapprove architectural decisions with respect to a specific  
2644 parcel of residential property owned by a member of the  
2645 community.

2646 Section 22. Section 720.305, Florida Statutes, is amended  
2647 to read:

2648 720.305 Obligations of members; remedies at law or in  
2649 equity; levy of fines and suspension of use rights.—

2650 (1) Each member and the member's tenants, guests, and  
2651 invitees, and each association, are governed by, and must comply  
2652 with, this chapter, the governing documents of the community,  
2653 and the rules of the association. Actions at law or in equity,  
2654 or both, to redress alleged failure or refusal to comply with  
2655 these provisions may be brought by the association or by any  
2656 member against:

2657 (a) The association;

2658 (b) A member;

2659 (c) Any director or officer of an association who willfully  
2660 and knowingly fails to comply with these provisions; and

2661 (d) Any tenants, guests, or invitees occupying a parcel or  
2662 using the common areas.

2663

2664 The prevailing party in any such litigation is entitled to  
2665 recover reasonable attorney ~~attorney's~~ fees and costs. A member  
2666 prevailing in an action between the association and the member  
2667 under this section, in addition to recovering his or her  
2668 reasonable attorney ~~attorney's~~ fees, may recover additional

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2669 amounts as determined by the court to be necessary to reimburse  
2670 the member for his or her share of assessments levied by the  
2671 association to fund its expenses of the litigation. This relief  
2672 does not exclude other remedies provided by law. This section  
2673 does not deprive any person of any other available right or  
2674 remedy.

2675 (2) The association may levy reasonable fines. A fine may  
2676 not exceed ~~of up to~~ \$100 per violation against any member or any  
2677 member's tenant, guest, or invitee for the failure of the owner  
2678 of the parcel or its occupant, licensee, or invitee to comply  
2679 with any provision of the declaration, the association bylaws,  
2680 or reasonable rules of the association unless otherwise provided  
2681 in the governing documents. A fine may be levied by the board or  
2682 its authorized designee for each day of a continuing violation,  
2683 with a single notice and opportunity for hearing, except that  
2684 the fine may not exceed \$1,000 in the aggregate unless otherwise  
2685 provided in the governing documents. A fine of less than \$1,000  
2686 may not become a lien against a parcel. In any action to recover  
2687 a fine, the prevailing party is entitled to reasonable attorney  
2688 fees and costs from the nonprevailing party as determined by the  
2689 court.

2690 (a) An association may suspend, for a reasonable period of  
2691 time, the right of a member, or a member's tenant, guest, or  
2692 invitee, to use common areas and facilities for the failure of  
2693 the owner of the parcel or its occupant, licensee, or invitee to  
2694 comply with any provision of the declaration, the association  
2695 bylaws, or reasonable rules of the association. This paragraph  
2696 does not apply to that portion of common areas used to provide  
2697 access or utility services to the parcel. A suspension may not

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2698 ~~prohibit~~ ~~impair the right of~~ an owner or tenant of a parcel from  
2699 having ~~to have~~ vehicular and pedestrian ingress to and egress  
2700 from the parcel, including, but not limited to, the right to  
2701 park.

2702 (b) A fine or suspension may not be imposed by the board of  
2703 administration or its authorized designee without at least 14  
2704 days' notice to the person sought to be fined or suspended and  
2705 an opportunity for a hearing before an impartial ~~a~~ committee of  
2706 at least three members appointed by the board who are not  
2707 officers, directors, or employees of the association, or the  
2708 spouse, parent, child, brother, or sister of an officer,  
2709 director, ~~or~~ employee, or the board's designee or the designee's  
2710 family. If the committee, by majority vote, does not approve a  
2711 proposed fine or suspension, it may not be imposed. The role of  
2712 the impartial committee is limited to determining whether to  
2713 confirm or reject the fine or suspension levied by the board or  
2714 its authorized designee. If the board of administration or its  
2715 authorized designee ~~association~~ imposes a fine or suspension,  
2716 the association must provide written notice of such fine or  
2717 suspension by mail or hand delivery to the parcel owner and, if  
2718 applicable, to any tenant, licensee, or invitee of the parcel  
2719 owner.

2720 (3) If a member is more than 90 days delinquent in paying  
2721 any fee, fine, or other ~~a~~ monetary obligation due to the  
2722 association, the association may suspend the rights of the  
2723 member, or the member's tenant, guest, or invitee, to use common  
2724 areas and facilities until the fee, fine, or other monetary  
2725 obligation is paid in full. This subsection does not apply to  
2726 that portion of common areas used to provide access or utility

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2727 services to the parcel. A suspension may ~~does~~ not prohibit  
2728 ~~impair the right of~~ an owner or tenant of a parcel from having  
2729 ~~to have~~ vehicular and pedestrian ingress to and egress from the  
2730 parcel, including, but not limited to, the right to park. The  
2731 notice and hearing requirements under subsection (2) do not  
2732 apply to a suspension imposed under this subsection.

2733 (4) An association may suspend the voting rights of a  
2734 parcel or member for the nonpayment of any fee, fine, or other  
2735 monetary obligation due to the association which ~~that~~ is more  
2736 than 90 days delinquent. A voting interest or consent right  
2737 allocated to a parcel or member which has been suspended by the  
2738 association shall be subtracted from ~~may not be counted towards~~  
2739 the total number of voting interests in the association, which  
2740 shall be reduced by the number of suspended voting interests  
2741 when calculating the total percentage or number of all voting  
2742 interests available to take or approve any action, and the  
2743 suspended voting interests may not be considered for any  
2744 purpose, including, but not limited to, the percentage or number  
2745 of voting interests necessary to constitute a quorum, the  
2746 percentage or number of voting interests required to conduct an  
2747 election, or the percentage or number of voting interests  
2748 required to approve an action under this chapter or pursuant to  
2749 the governing documents. The notice and hearing requirements  
2750 under subsection (2) do not apply to a suspension imposed under  
2751 this subsection. The suspension ends upon full payment of all  
2752 obligations currently due or overdue to the association.

2753 (5) All suspensions imposed pursuant to subsection (3) or  
2754 subsection (4) must be approved at a properly noticed board  
2755 meeting. Upon approval, the association must notify the parcel

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2756 owner and, if applicable, the parcel's occupant, licensee, or  
2757 invitee by mail or hand delivery.

2758 (6) The suspensions permitted by paragraph (2) (a) and  
2759 subsections (3) and (4) apply to a member and, when appropriate,  
2760 the member's tenants, guests, or invitees, even if the  
2761 delinquency or failure that resulted in the suspension arose  
2762 from less than all of the multiple parcels owned by the member.

2763 Section 23. Paragraph (b) of subsection (1) and subsections  
2764 (9) and (10) of section 720.306, Florida Statutes, are amended  
2765 to read:

2766 720.306 Meetings of members; voting and election  
2767 procedures; amendments.—

2768 (1) QUORUM; AMENDMENTS.—

2769 (b) Unless otherwise provided in the governing documents or  
2770 required by law, and other than those matters set forth in  
2771 paragraph (c), any governing document of an association may be  
2772 amended by the affirmative vote of two-thirds of the voting  
2773 interests of the association. Within 30 days after recording an  
2774 amendment to the governing documents, the association shall  
2775 provide copies of the amendment to the members. However, if a  
2776 copy of the proposed amendment is provided to the members before  
2777 they vote on the amendment ~~and the proposed amendment is not~~  
2778 ~~changed before the vote~~, the association, in lieu of providing a  
2779 copy of the amendment, may provide notice to the members that  
2780 the amendment was adopted, identifying the official book and  
2781 page number or instrument number of the recorded amendment and  
2782 that a copy of the amendment is available at no charge to the  
2783 member upon written request to the association. The copies and  
2784 notice described in this paragraph may be provided



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2785 electronically to those owners who previously consented to  
2786 receive notice electronically. The failure to timely provide  
2787 notice of the recording of the amendment does not affect the  
2788 validity or enforceability of the amendment.

2789 (9) ELECTIONS AND BOARD VACANCIES.—

2790 (a) Elections of directors must be conducted in accordance  
2791 with the procedures set forth in the governing documents of the  
2792 association. Except as provided in paragraph (b), all members of  
2793 the association are eligible to serve on the board of directors,  
2794 and a member may nominate himself or herself as a candidate for  
2795 the board at a meeting where the election is to be held;  
2796 provided, however, that if the election process allows  
2797 candidates to be nominated in advance of the meeting, the  
2798 association is not required to allow nominations at the meeting.  
2799 An election is not required unless more candidates are nominated  
2800 than vacancies exist. Except as otherwise provided in the  
2801 governing documents, boards of directors must be elected by a  
2802 plurality of the votes cast by eligible voters. Any challenge to  
2803 the election process must be commenced within 60 days after the  
2804 election results are announced.

2805 (b) A person who is delinquent in the payment of any fee,  
2806 fine, or other monetary obligation to the association on the day  
2807 that he or she could last nominate himself or herself or be  
2808 nominated for the board may not seek election to the board, and  
2809 his or her name may not be listed on the ballot. A person  
2810 serving as a board member who becomes more than 90 days  
2811 delinquent in the payment of any fee, fine, or other monetary  
2812 obligation to the association shall be deemed to have abandoned  
2813 his or her seat on the board, creating a vacancy on the board to

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2814 be filled according to law. For purposes of this paragraph, the  
2815 term "any fee, fine, or other monetary obligation" means any  
2816 delinquency to the association with respect to any parcel ~~for~~  
2817 ~~more than 90 days is not eligible for board membership.~~ A person  
2818 who has been convicted of any felony in this state or in a  
2819 United States District or Territorial Court, or has been  
2820 convicted of any offense in another jurisdiction which would be  
2821 considered a felony if committed in this state, may not seek  
2822 election to the board and is not eligible for board membership  
2823 unless such felon's civil rights have been restored for at least  
2824 5 years as of the date on which such person seeks election to  
2825 the board. The validity of any action by the board is not  
2826 affected if it is later determined that a person was ineligible  
2827 to seek election to the board or that a member of the board is  
2828 ineligible for board membership.

2829 (c) Any election dispute between a member and an  
2830 association must be submitted to mandatory binding arbitration  
2831 with the division. Such proceedings must be conducted in the  
2832 manner provided by s. 718.1255 and the procedural rules adopted  
2833 by the division. Unless otherwise provided in the bylaws, any  
2834 vacancy occurring on the board before the expiration of a term  
2835 may be filled by an affirmative vote of the majority of the  
2836 remaining directors, even if the remaining directors constitute  
2837 less than a quorum, or by the sole remaining director. In the  
2838 alternative, a board may hold an election to fill the vacancy,  
2839 in which case the election procedures must conform to the  
2840 requirements of the governing documents. Unless otherwise  
2841 provided in the bylaws, a board member appointed or elected  
2842 under this section is appointed for the unexpired term of the

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2843 seat being filled. Filling vacancies created by recall is  
2844 governed by s. 720.303(10) and rules adopted by the division.

2845 (10) RECORDING.—Any parcel owner may tape record or  
2846 videotape meetings of the board of directors and meetings of the  
2847 members; however, a parcel owner may not post the recordings on  
2848 any website or other media that can readily be viewed by persons  
2849 who are not members of the association. The board of directors  
2850 of the association may adopt reasonable rules governing the  
2851 taping of meetings of the board and the membership.

2852 Section 24. Paragraph (a) of subsection (1) and subsection  
2853 (3) of section 720.3085, Florida Statutes, are amended to read:

2854 720.3085 Payment for assessments; lien claims.—

2855 (1) When authorized by the governing documents, the  
2856 association has a lien on each parcel to secure the payment of  
2857 assessments and other amounts provided for by this section.  
2858 Except as otherwise set forth in this section, the lien is  
2859 effective from and shall relate back to the date on which the  
2860 original declaration of the community was recorded. However, as  
2861 to first mortgages of record, the lien is effective from and  
2862 after recording of a claim of lien in the public records of the  
2863 county in which the parcel is located. This subsection does not  
2864 bestow upon any lien, mortgage, or certified judgment of record  
2865 on July 1, 2008, including the lien for unpaid assessments  
2866 created in this section, a priority that, by law, the lien,  
2867 mortgage, or judgment did not have before July 1, 2008.

2868 (a) To be valid, a claim of lien must state the description  
2869 of the parcel, the name of the record owner, the name and  
2870 address of the association, the assessment amount due, and the  
2871 due date. The claim of lien secures all unpaid assessments that

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2872 are due and that may accrue subsequent to the recording of the  
2873 claim of lien and before entry of a certificate of title, as  
2874 well as interest, late charges, and reasonable collection costs  
2875 and attorney fees incurred by the association incident to the  
2876 collection process. The person making payment is entitled to a  
2877 satisfaction of the lien upon payment in full.

2878 (3) Assessments and installments on assessments that are  
2879 not paid when due bear interest from the due date until paid at  
2880 the rate provided in the declaration of covenants or the bylaws  
2881 of the association, which rate may not exceed the rate allowed  
2882 by law. If no rate is provided in the declaration or bylaws,  
2883 interest accrues at the rate of 18 percent per year.

2884 (a) If the declaration or bylaws so provide, the  
2885 association may also charge an administrative late fee not to  
2886 exceed the greater of \$25 or 5 percent of the amount of each  
2887 installment that is paid past the due date. The association may  
2888 also recover from the parcel owner any reasonable charges  
2889 imposed upon the association under a written contract with its  
2890 management or bookkeeping company or collection agent which are  
2891 incurred in connection with collecting a delinquent assessment.  
2892 Such charges must be based on the actual time expended  
2893 performing necessary, nonduplicative services. Fees for  
2894 collection are not recoverable for the period after referral of  
2895 the matter to an association's legal counsel.

2896 (b) Any payment received by an association and accepted  
2897 shall be applied first to any interest accrued, then to any  
2898 administrative late fee, then to any costs and reasonable  
2899 attorney fees incurred in collection, then to any reasonable  
2900 costs for collection services contracted for by the association,

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2901 and then to the delinquent assessment. This paragraph applies  
2902 notwithstanding any restrictive endorsement, designation, or  
2903 instruction placed on or accompanying a payment. A late fee is  
2904 not subject to the provisions of chapter 687 and is not a fine.

2905 Section 25. Section 720.317, Florida Statutes, is created  
2906 to read:

2907 720.317 Electronic voting.—The association may conduct  
2908 elections and other membership votes through an Internet-based  
2909 online voting system if a member consents in writing to online  
2910 voting and if the following requirements are met:

2911 (1) The association provides each member with:

2912 (a) A method to authenticate the member's identity to the  
2913 online voting system.

2914 (b) A method to confirm, at least 14 days before the voting  
2915 deadline, that the member's electronic device can successfully  
2916 communicate with the online voting system.

2917 (c) A method that is consistent with the election and  
2918 voting procedures in the association's bylaws.

2919 (2) The association uses an online voting system that is:

2920 (a) Able to authenticate the member's identity.

2921 (b) Able to authenticate the validity of each electronic  
2922 vote to ensure that the vote is not altered in transit.

2923 (c) Able to transmit a receipt from the online voting  
2924 system to each member who casts an electronic vote.

2925 (d) Able to permanently separate any authentication or  
2926 identifying information from the electronic election ballot,  
2927 rendering it impossible to tie an election ballot to a specific  
2928 member. This paragraph only applies if the association's bylaws  
2929 provide for secret ballots for the election of directors.

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2930 (e) Able to store and keep electronic ballots accessible to  
2931 election officials for recount, inspection, and review purposes.

2932 (3) A member voting electronically pursuant to this section  
2933 shall be counted as being in attendance at the meeting for  
2934 purposes of determining a quorum.

2935 (4) This section applies to an association that provides  
2936 for and authorizes an online voting system pursuant to this  
2937 section by a board resolution. The board resolution must provide  
2938 that members receive notice of the opportunity to vote through  
2939 an online voting system, must establish reasonable procedures  
2940 and deadlines for members to consent in writing to online  
2941 voting, and must establish reasonable procedures and deadlines  
2942 for members to opt out of online voting after giving consent.  
2943 Written notice of a meeting at which the board resolution  
2944 regarding online voting will be considered must be mailed,  
2945 delivered, or electronically transmitted to the unit owners and  
2946 posted conspicuously on the condominium property or association  
2947 property at least 14 days before the meeting. Evidence of  
2948 compliance with the 14-day notice requirement must be made by an  
2949 affidavit executed by the person providing the notice and filed  
2950 with the official records of the association.

2951 (5) A member's consent to online voting is valid until the  
2952 member opts out of online voting pursuant to the procedures  
2953 established by the board of administration pursuant to paragraph  
2954 (4).

2955 (6) This section may apply to any matter that requires a  
2956 vote of the members.

2957 Section 26. This act shall take effect July 1, 2015.