

1 A bill to be entitled
2 An act relating to community associations; amending s.
3 468.431, F.S.; revising a definition; amending s.
4 718.103, F.S.; revising a definition; amending s.
5 718.111, F.S.; revising records required to be
6 maintained by a condominium association; revising
7 duties of an outgoing and recalled board or committee
8 member; creating s. 718.1115, F.S.; providing
9 requirements relating to the provision of specified
10 documents on an association's website; amending s.
11 718.115, F.S.; conforming a cross-reference; amending
12 s. 718.116, F.S.; providing requirements for the
13 collection of past due assessments and the filing of
14 liens; providing notice requirements; providing
15 payment plan requirements; creating s. 718.3027, F.S.;
16 providing requirements relating to director and
17 officer conflicts of interest; amending s. 720.303,
18 F.S.; providing applicability; revising records
19 required to be maintained by a homeowners'
20 association; revising reporting requirements; deleting
21 future expiration of the reporting requirements;
22 creating s. 720.3031, F.S.; providing requirements
23 relating to the provision of specified documents on an
24 association's website; amending s. 720.3033, F.S.;
25 providing requirements relating to director and
26 officer conflicts of interest; providing requirements

27 | for board membership; amending s. 720.305, F.S.;

28 | prohibiting an association from enforcing certain

29 | traffic and criminal laws; amending s. 720.306, F.S.;

30 | providing requirements for amendment of the

31 | association declaration; providing meeting notice

32 | requirements; providing election requirements;

33 | providing duties of an outgoing or recalled board

34 | member; amending s. 720.307, F.S.; requiring a

35 | developer to deliver certain information to the

36 | association; amending s. 720.308, F.S.; providing

37 | requirements for collection of past due assessments

38 | and the filing of liens; providing notice

39 | requirements; providing payment plan requirements;

40 | amending s. 720.3085, F.S.; providing requirements for

41 | an association to foreclose a lien; amending s.

42 | 720.311, F.S.; conforming a cross-reference; providing

43 | an effective date.

44 |

45 | Be It Enacted by the Legislature of the State of Florida:

46 |

47 | Section 1. Subsection (2) of section 468.431, Florida

48 | Statutes, is amended to read:

49 | 468.431 Definitions.—As used in this part:

50 | (2) "Community association management" or "community

51 | association management services" means any of the following

52 | practices requiring substantial specialized knowledge, judgment,

53 and managerial skill when done for remuneration and when the
54 association or associations served contain more than 10 units or
55 have an annual budget or budgets in excess of \$100,000:
56 controlling or disbursing funds of a community association,
57 preparing budgets or other financial documents for a community
58 association, assisting in the noticing or conduct of community
59 association meetings, determining the number of days required
60 for statutory notices, determining amounts due to the
61 association, collecting amounts due to the association before
62 the filing of a civil action, calculating the votes required for
63 a quorum or to approve a proposition or amendment, completing
64 forms related to the management of a community association that
65 have been created by statute or by a state agency, drafting
66 meeting notices and agendas, calculating and preparing
67 certificates of assessment and estoppel certificates, responding
68 to requests for certificates of assessment and estoppel
69 certificates, negotiating monetary or performance terms of a
70 contract subject to approval by an association, drafting
71 prearbitration demands, coordinating or performing maintenance
72 for real or personal property and other related routine services
73 involved in the operation of a community association, and
74 complying with the association's governing documents and the
75 requirements of law as necessary to perform such practices. A
76 person who performs clerical or ministerial functions under the
77 direct supervision and control of a licensed manager or who is
78 charged only with performing the maintenance of a community

79 association and who does not assist in any of the management
 80 services described in this subsection is not required to be
 81 licensed under this part.

82 Section 2. Subsections (7) of section 718.103, Florida
 83 Statutes, is amended to read:

84 718.103 Definitions.—As used in this chapter, the term:

85 (7) "Committee" means a group of board members, unit
 86 owners, or board members and unit owners appointed by the board
 87 or a member of the board to make recommendations to the board
 88 ~~regarding the proposed annual budget~~ or to take action on behalf
 89 of the board.

90 Section 3. Paragraphs (a), (c), and (f) of subsection (12)
 91 of section 718.111, Florida Statutes, are amended to read:

92 718.111 The association.—

93 (12) OFFICIAL RECORDS.—

94 (a) From the inception of the association, the association
 95 shall maintain each of the following items, if applicable, which
 96 constitute ~~constitutes~~ the official records of the association:

97 1. A copy of the plans, specifications, permits, and
 98 warranties related to improvements to the common elements or
 99 other property that the association is obligated to maintain,
 100 repair, or replace, and other items provided by the developer
 101 pursuant to s. 718.301(4).

102 2. A photocopy of the recorded declaration of condominium
 103 of each condominium operated by the association and each
 104 amendment to each declaration.

105 3. A photocopy of the recorded bylaws of the association
106 and each amendment to the bylaws.

107 4. A certified copy of the articles of incorporation of
108 the association, or other documents creating the association,
109 and each amendment thereto.

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

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

115 7. A current roster of all unit owners and their mailing
116 addresses, unit identifications, voting certifications, and, if
117 known, telephone numbers. The association shall also maintain
118 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
119 unit owners consenting to receive notice by electronic
120 transmission. The e-mail ~~electronic mailing~~ addresses and
121 facsimile numbers are not accessible to unit owners if consent
122 to receive notice by electronic transmission is not provided in
123 accordance with subparagraph (c)5. An e-mail address or
124 facsimile number provided by a unit owner to receive notice by
125 electronic transmission must not be accessible to other unit
126 owners if the unit owner revokes, in writing, his or her consent
127 to receive notice by electronic transmission. However, the
128 association is not liable for an inadvertent disclosure of the
129 electronic mail address or facsimile number for receiving
130 electronic transmission of notices.

131 8. All current insurance policies of the association and
 132 condominiums operated by the association.

133 9. A current copy of any management agreement, lease, or
 134 other contract to which the association is a party or under
 135 which the association or the unit owners have an obligation or
 136 responsibility. Bids for materials, equipment, or services are
 137 official records and must be maintained by the association for
 138 at least 1 year.

139 10. Bills of sale or transfer for all property owned by
 140 the association.

141 11. Financial and accounting records for the association
 142 and separate accounting records for each condominium that the
 143 association operates. All accounting records must be maintained
 144 for at least 7 years. Any person who knowingly or intentionally
 145 defaces or destroys such records, or who knowingly or
 146 intentionally fails to create or maintain such records, with the
 147 intent of causing harm to the association or one or more of its
 148 members, is personally subject to a civil penalty pursuant to s.
 149 718.501(1)(d). The financial and accounting records must
 150 include, but are not limited to:

151 a. Accurate, itemized, and detailed records of all
 152 receipts and expenditures.

153 b. A current account and a monthly, bimonthly, or
 154 quarterly statement of the account for each unit designating the
 155 name of the unit owner, the due date and amount of each
 156 assessment, the amount paid on the account, and the balance due.

157 c. All tax returns, audits, reviews, accounting
 158 statements, and financial reports of the association or
 159 condominium.

160 d. All records that identify, measure, record, or
 161 communicate financial information ~~All contracts for work to be~~
 162 ~~performed. Bids for work to be performed are also considered~~
 163 ~~official records and must be maintained by the association.~~

164 12. Ballots, sign-in sheets, voting proxies, and all other
 165 papers relating to voting by unit owners, which must be
 166 maintained for 1 year after ~~from~~ the date of the election, vote,
 167 or meeting to which the document relates, notwithstanding
 168 paragraph (b).

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

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

173 15. All other written records of the association not
 174 specifically included in the foregoing which are related to the
 175 operation of the association.

176 16. A copy of the inspection report as described in s.
 177 718.301(4)(p).

178 (c) Physical copies of the official records of the
 179 association are open to inspection by any association member or
 180 the authorized representative of such member at all reasonable
 181 times. The right to inspect the records includes the right to
 182 make or obtain copies, at the reasonable expense, if any, of the

183 member. The association may adopt reasonable rules regarding the
184 frequency, time, location, notice, and manner of record
185 inspections and copying. The failure of an association to
186 provide the records within 10 working days after receipt of a
187 written request creates a rebuttable presumption that the
188 association willfully failed to comply with this paragraph. A
189 unit owner who is denied access to official records is entitled
190 to the actual damages or minimum damages for the association's
191 willful failure to comply. Minimum damages are \$50 per calendar
192 day for up to 10 days, beginning on the 11th working day after
193 receipt of the written request. The failure to permit inspection
194 entitles any person prevailing in an enforcement action to
195 recover reasonable attorney fees from the person in control of
196 the records who, directly or indirectly, knowingly denied access
197 to the records. Any person who knowingly or intentionally
198 defaces or destroys accounting records that are required by this
199 chapter to be maintained during the period for which such
200 records are required to be maintained, or who knowingly or
201 intentionally fails to create or maintain accounting records
202 that are required to be created or maintained, with the intent
203 of causing harm to the association or one or more of its
204 members, is personally subject to a civil penalty pursuant to s.
205 718.501(1)(d). The association shall maintain an adequate number
206 of copies of the declaration, articles of incorporation, bylaws,
207 and rules, and all amendments to each of the foregoing, as well
208 as the question and answer sheet as described in s. 718.504 and

209 | year-end financial information required under this section, on
210 | the condominium property to ensure their availability to unit
211 | owners and prospective purchasers, and may charge its actual
212 | costs for preparing and furnishing these documents to those
213 | requesting the documents. An association shall allow a member or
214 | his or her authorized representative to use a portable device,
215 | including a smartphone, tablet, portable scanner, or any other
216 | technology capable of scanning or taking photographs, to make an
217 | electronic copy of the official records in lieu of the
218 | association's providing the member or his or her authorized
219 | representative with a copy of such records. The association may
220 | not charge a member or his or her authorized representative for
221 | the use of a portable device. Notwithstanding this paragraph,
222 | the following records are not accessible to unit owners:

223 | 1. Any record protected by the lawyer-client privilege as
224 | described in s. 90.502 and any record protected by the work-
225 | product privilege, including a record prepared by an association
226 | attorney or prepared at the attorney's express direction, which
227 | reflects a mental impression, conclusion, litigation strategy,
228 | or legal theory of the attorney or the association, and which
229 | was prepared exclusively for civil or criminal litigation or for
230 | adversarial administrative proceedings, or which was prepared in
231 | anticipation of such litigation or proceedings until the
232 | conclusion of the litigation or proceedings.

233 | 2. Information obtained by an association in connection
234 | with the approval of the lease, sale, or other transfer of a

235 unit.

236 3. Personnel records of association or management company
237 employees, including, but not limited to, disciplinary, payroll,
238 health, and insurance records. For purposes of this
239 subparagraph, the term "personnel records" does not include
240 written employment agreements with an association employee or
241 management company, or budgetary or financial records that
242 indicate the compensation paid to an association employee.

243 4. Medical records of unit owners.

244 5. Social security numbers, driver license numbers, credit
245 card numbers, e-mail addresses, telephone numbers, facsimile
246 numbers, emergency contact information, addresses of a unit
247 owner other than as provided to fulfill the association's notice
248 requirements, and other personal identifying information of any
249 person, excluding the person's name, unit designation, mailing
250 address, property address, and any address, e-mail address, or
251 facsimile number provided to the association to fulfill the
252 association's notice requirements. Notwithstanding the
253 restrictions in this subparagraph, an association may print and
254 distribute to parcel owners a directory containing the name,
255 parcel address, and all telephone numbers of each parcel owner.
256 However, an owner may exclude his or her telephone numbers from
257 the directory by so requesting in writing to the association. An
258 owner may consent in writing to the disclosure of other contact
259 information described in this subparagraph. The association is
260 not liable for the inadvertent disclosure of information that is

261 | protected under this subparagraph if the information is included
 262 | in an official record of the association and is voluntarily
 263 | provided by an owner and not requested by the association.

264 | 6. Electronic security measures that are used by the
 265 | association to safeguard data, including passwords.

266 | 7. The software and operating system used by the
 267 | association which allow the manipulation of data, even if the
 268 | owner owns a copy of the same software used by the association.
 269 | The data is part of the official records of the association.

270 | (f) An outgoing board or committee member, or a board
 271 | member who is recalled pursuant to s. 718.112(2)(j), must
 272 | relinquish all official records and property of the association
 273 | in his or her possession or under his or her control, including
 274 | administrative rights or controls of an association's website or
 275 | other digital or electronic asset of the association, to the
 276 | incoming board within 5 days after the election or, in the case
 277 | of a recall, within 5 days after the recall is effective as
 278 | provided in s. 718.112(2)(j). The division shall impose a civil
 279 | penalty as set forth in s. 718.501(1)(d)6. against an outgoing
 280 | board or committee member who willfully and knowingly fails to
 281 | relinquish such records and property.

282 | Section 4. Section 718.1115, Florida Statutes, is created
 283 | to read:

284 | 718.1115 Access to association documents and records on an
 285 | association website.—An association with 500 or more units,
 286 | which does not manage timeshare units, must have a website and

287 provide digital copies of the documents specified in subsection
288 (2) on the association's website.

289 (1) An association's website must be:

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

292 (b) A website or web portal operated by a third-party
293 provider with whom the association owns, leases, rents, or
294 otherwise obtains the right to operate a web page, subpage, web
295 portal, or collection of subpages or web portals dedicated to
296 the association's activities and where required notices,
297 records, and documents may be posted by the association; and

298 (c) Accessible through the Internet.

299 (2) The following documents must be posted in digital
300 format on the website:

301 (a) Copies of the official records described in s.
302 718.111(12)(a). However, the current roster of all unit owners
303 with their mailing addresses and parcel identifications may not
304 be posted in digital format on the website. The website must
305 include the following statement: "A current roster of all unit
306 owners and their mailing addresses and parcel identifications is
307 available at the request of a unit owner or unit owner
308 representative, including the e-mail addresses of the unit
309 owners who have consented to receive notice by electronic
310 transmission." The notice shall include the e-mail address of
311 the person to contact for a copy of the roster.

312 (b) The annual budget required pursuant to s.

313 718.112(2)(f), and any proposed budget to be considered at the
314 annual meeting.

315 (c) The financial report required pursuant to s.
316 718.111(13) and any proposed financial report to be considered
317 at a meeting.

318 (d) All documents created by the association or a board
319 member relating to the recall of a board member under s.
320 718.112(2)(j) or all documents created for or filed by the
321 association in an arbitration proceeding conducted by the
322 division regarding the recall of a board member.

323 (e) The certification of each director required pursuant
324 to s. 718.112(2)(d)4.b.

325 (f) A list of all contracts or transactions between the
326 association and a director, officer, corporation, firm, or
327 association that is not an affiliated condominium association,
328 or any other entity in which an association director is also a
329 director or officer and financially interested.

330 (g) All fidelity bonds entered into by the association.

331 (h) All contracts or documents regarding a conflict of
332 interest or possible conflict of interest as provided in ss.
333 468.436(2) and 718.3026(3).

334 (i) Notice of a board meeting and the agenda for the
335 meeting, as required by s. 718.112(2)(d)3., at least 14 days
336 before the meeting. The notice must be posted in plain view on
337 the front page, or on a separate subpage labeled "Notices" which
338 is conspicuously visible and linked from the front page of the

339 association's website. The association must post on the
340 association's website all documents to be considered during the
341 meeting or listed on the agenda at least 7 days before the
342 meeting at which the document or the information within the
343 document will be considered, unless otherwise stated, including
344 the following documents:

345 1. The proposed annual budget required by s.
346 718.112(2)(e), which must be provided at least 14 days before
347 the meeting.

348 2. The proposed financial report required by s.
349 718.111(13).

350 3. A list of persons seeking to be elected to the board.

351 (3) The association shall ensure that the information and
352 records described in s. 718.111(12)(c), which are not permitted
353 to be accessible to unit owners, are not posted on the
354 association's website. If protected information, or information
355 restricted from being accessible to unit owners, is included in
356 documents that are required to be posted on the association's
357 website, the association shall ensure the information is
358 redacted before placing the documents online.

359 Section 5. Paragraph (e) of subsection (1) of section
360 718.115, Florida Statutes, is amended to read:

361 718.115 Common expenses and common surplus.—

362 (1)

363 (e) The expense of installation, replacement, operation,
364 repair, and maintenance of hurricane shutters, impact glass,

365 code-compliant windows or doors, or other types of code-
366 compliant hurricane protection by the board pursuant to s.
367 718.113(5) constitutes a common expense and shall be collected
368 as provided in this section if the association is responsible
369 for the maintenance, repair, and replacement of the hurricane
370 shutters, impact glass, code-compliant windows or doors, or
371 other types of code-compliant hurricane protection pursuant to
372 the declaration of condominium. However, if the maintenance,
373 repair, and replacement of the hurricane shutters, impact glass,
374 code-compliant windows or doors, or other types of code-
375 compliant hurricane protection are the responsibility of the
376 unit owners pursuant to the declaration of condominium, the cost
377 of the installation of the hurricane shutters, impact glass,
378 code-compliant windows or doors, or other types of code-
379 compliant hurricane protection is not a common expense and shall
380 be charged individually to the unit owners based on the cost of
381 installation of the hurricane shutters, impact glass, code-
382 compliant windows or doors, or other types of code-compliant
383 hurricane protection appurtenant to the unit. Notwithstanding s.
384 718.116(10) ~~718.116(9)~~, and regardless of whether or not the
385 declaration requires the association or unit owners to maintain,
386 repair, or replace hurricane shutters, impact glass, code-
387 compliant windows or doors, or other types of code-compliant
388 hurricane protection, a unit owner who has previously installed
389 hurricane shutters in accordance with s. 718.113(5) that comply
390 with the current applicable building code shall receive a credit

391 when the shutters are installed; a unit owner who has previously
392 installed impact glass or code-compliant windows or doors that
393 comply with the current applicable building code shall receive a
394 credit when the impact glass or code-compliant windows or doors
395 are installed; and a unit owner who has installed other types of
396 code-compliant hurricane protection that comply with the current
397 applicable building code shall receive a credit when the same
398 type of other code-compliant hurricane protection is installed,
399 and the credit shall be equal to the pro rata portion of the
400 assessed installation cost assigned to each unit. However, such
401 unit owner remains responsible for the pro rata share of
402 expenses for hurricane shutters, impact glass, code-compliant
403 windows or doors, or other types of code-compliant hurricane
404 protection installed on common elements and association property
405 by the board pursuant to s. 718.113(5) and remains responsible
406 for a pro rata share of the expense of the replacement,
407 operation, repair, and maintenance of such shutters, impact
408 glass, code-compliant windows or doors, or other types of code-
409 compliant hurricane protection.

410 Section 6. Subsections (5) through (11) of section
411 718.116, Florida Statutes, are renumbered as subsections (6)
412 through (12), respectively, paragraph (a) of present subsection
413 (6) and paragraph (a) of present subsection (11) are amended,
414 and a new subsection (5) is added to that section, to read:

415 718.116 Assessments; liability; lien and priority;
416 interest; collection.—

417 (5) Collection of past due assessments.—

418 (a) An association may not use a third party or take legal
419 action to collect unpaid assessments unless the association
420 adopts and follows a written collection policy governing the
421 collection of unpaid assessments, which must include:

422 1. The date on which assessments must be paid to the
423 association and when an assessment is considered past due and
424 delinquent.

425 2. All late fees and interest the association is entitled
426 to impose on a delinquent unit owner's account.

427 3. All returned check charges the association is entitled
428 to impose.

429 4. The circumstances under which a unit owner is entitled
430 to enter into a payment plan pursuant to this section, and the
431 minimum terms of the payment plan.

432 5. The method by which payments may be applied on the
433 delinquent account of a unit owner.

434 6. The legal remedies available to the association to
435 collect on a unit owner's delinquent account.

436 (b) At least 30 days before the association intends to
437 transfer the right to collect past due assessments or a lien to
438 a third party or refers it to an attorney for legal action, the
439 association must send the unit owner a notice of delinquency
440 specifying:

441 1. The total amount due, with an accounting of how the
442 total was determined.

443 2. Whether the opportunity to enter into a payment plan
444 exists pursuant to this section, and instructions for contacting
445 the entity to enter into a payment plan.

446 3. The name and contact information for the individual
447 that may be contacted to request a copy of the unit owner's
448 ledger in order to verify the amount of the debt.

449 4. That action is required to cure the delinquency and
450 that failure to do so within 30 days after receipt of the notice
451 may result in the past due assessments being transferred to a
452 third party for collection, a lawsuit being filed against the
453 unit owner, the filing and foreclosure of a lien against the
454 unit owner's property, or other remedies available under general
455 law.

456 (c) Payment plans.—

457 1. In collecting past due assessments and other delinquent
458 payments, an association or third party authorized to collect
459 past due assessments shall make a documented, good faith effort
460 to coordinate with the unit owner to negotiate and establish a
461 payment plan that meets the requirements of this paragraph.

462 2. The payment plan must provide a period of at least 6
463 months to pay off the past due assessments in equal
464 installments.

465 a. This subsection does not prohibit an association or a
466 third party authorized to collect past due assessments from
467 pursuing legal action against a unit owner if the unit owner
468 fails to comply with the terms of his or her payment plan.

469 b. A unit owner's failure to remit payment of an agreed-
 470 upon installment, or to remain current with regular assessments
 471 as the assessments come due during the time period provided for
 472 in the payment plan, constitutes a failure to comply with the
 473 terms of his or her payment plan, and shall require the
 474 immediate payment of all past due assessments owed by the unit
 475 owner to the association or third party authorized to collect
 476 past due assessments.

477 (d) Associations and third parties authorized to collect
 478 past due assessments are not required to offer a payment plan
 479 if:

480 1. The unit owner does not occupy the parcel and has
 481 acquired the property as a result of:

482 a. Default of a security interest encumbering the parcel;

483 or

484 b. Foreclosure of the association's lien; and

485 2. The association or third party authorized to collect
 486 the past due assessment has entered into a payment plan with a
 487 unit owner previously under this paragraph.

488 (7) (a) ~~(6) (a)~~ The association may bring an action in its
 489 name to foreclose a lien for assessments in the manner a
 490 mortgage of real property is foreclosed and may also bring an
 491 action to recover a money judgment for the unpaid assessments
 492 without waiving any claim of lien. The association is entitled
 493 to recover its reasonable attorney's fees incurred in either a
 494 lien foreclosure action or an action to recover a money judgment

495 for unpaid assessments. The association may only foreclose on
496 the lien if:

497 1. The balance of the assessments and charges secured by
498 the lien equals or exceeds 6 months of common expense
499 assessments based on a periodic budget adopted by the
500 association; and

501 2. The association's board has formally resolved, by a
502 recorded vote, to authorize the filing of a legal action against
503 the specific unit on an individual basis. The board may not
504 delegate its duty to act under this subparagraph to an attorney,
505 insurer, manager, or third party, and any legal action filed
506 without evidence of the required recorded vote authorizing the
507 action shall be dismissed by the court in which the action was
508 filed. No attorney fees, court costs, or other charges incurred
509 by the association, holder of the lien, or third party in
510 connection with an action that is dismissed for this reason may
511 be assessed against the unit owner.

512 (12) (a) ~~(11) (a)~~ If the unit is occupied by a tenant and the
513 unit owner is delinquent in paying any monetary obligation due
514 to the association, the association may make a written demand
515 that the tenant pay to the association the subsequent rental
516 payments and continue to make such payments until all monetary
517 obligations of the unit owner related to the unit have been paid
518 in full to the association. The tenant must pay the monetary
519 obligations to the association until the association releases
520 the tenant or the tenant discontinues tenancy in the unit.

521 1. The association must provide the tenant a notice, by
 522 hand delivery or United States mail, in substantially the
 523 following form:

524 Pursuant to section 718.116(12) ~~718.116(11)~~, Florida
 525 Statutes, the association demands that you pay your rent
 526 directly to the condominium association and continue doing
 527 so until the association notifies you otherwise.

528 Payment due the condominium association may be in the same
 529 form as you paid your landlord and must be sent by United
 530 States mail or hand delivery to ...(full address)...,
 531 payable to ...(name)....

532 Your obligation to pay your rent to the association begins
 533 immediately, unless you have already paid rent to your
 534 landlord for the current period before receiving this
 535 notice. In that case, you must provide the association
 536 written proof of your payment within 14 days after
 537 receiving this notice and your obligation to pay rent to
 538 the association would then begin with the next rental
 539 period.

540 Pursuant to section 718.116(12) ~~718.116(11)~~, Florida
 541 Statutes, your payment of rent to the association gives you
 542 complete immunity from any claim for the rent by your
 543 landlord for all amounts timely paid to the association.

544 2. The association must mail written notice to the unit
 545 owner of the association's demand that the tenant make payments
 546 to the association.

547 3. The association shall, upon request, provide the tenant
548 with written receipts for payments made.

549 4. A tenant is immune from any claim by the landlord or
550 unit owner related to the rent timely paid to the association
551 after the association has made written demand.

552 Section 7. Section 718.3027, Florida Statutes, is created
553 to read:

554 718.3027 Conflict of interest.—

555 (1) Directors and officers of a board of an association
556 that is not a timeshare condominium association must disclose to
557 the board any activity that may reasonably be construed as a
558 conflict of interest. A rebuttable presumption of a conflict of
559 interest exists if any of the following occurs without prior
560 notice, as required in paragraph (b), or board approval taken at
561 a properly noticed meeting of the unit owners:

562 (a) The director, officer, or a relative of a director or
563 officer has entered into a contract for goods or services with
564 the association.

565 (b) The director, officer, or a relative of a director or
566 officer holds an interest in a corporation, limited liability
567 corporation, partnership, limited liability partnership, or
568 other business entity that conducts business with the
569 association or proposes to enter into a contract or other
570 transaction with the association.

571 (2) If a director, officer, or a relative of a director or
572 officer proposes to engage in an activity that is a conflict of

573 interest, as described in subsection (1), the proposed activity
574 must be placed on a meeting agenda, including a proposed
575 contract or transactional documents. If the board votes against
576 the proposed activity, the director, officer, or relative shall
577 notify the board in writing of his or her intention not to
578 pursue the proposed activity or to withdraw from the position as
579 director or officer. If the board finds that an officer or
580 director has violated this subsection, the board shall
581 immediately remove the affected officer or director from office.
582 The vacancy shall be filled according to general law.

583 (3) A director, officer, or relative of a director or
584 officer who is party to, or has an interest in, the transaction
585 or arrangement involving the possible conflict of interest may
586 attend the meeting at which the transaction or arrangement is
587 considered by the board. The director, officer, or relative of a
588 director or officer shall be allowed to make a presentation to
589 the board or committee regarding the transaction or arrangement.
590 After the presentation, the director, officer, or relative of
591 the director or officer must leave the meeting during the
592 discussion of, and the vote upon, the transaction or arrangement
593 involving the possible conflict of interest. Any director or
594 officer who is party to or has an interest in such transaction
595 or arrangement shall recuse himself or herself from the vote.

596 (4) (a) The board must provide notice to unit owners of a
597 possible conflict of interest described in subsection (1) in
598 accordance with the same procedures required pursuant to s.

599 718.112(2)(c) for notices of meetings at which a special
600 assessment is to be considered. All related proposed contracts
601 or proposed transactional documents related to the conflict must
602 be attached to the agenda and made available with the meeting
603 agenda.

604 (b) An association with 500 or more units must place the
605 notice required in paragraph (a) on the front page of the
606 association's website. All related proposed contracts or
607 proposed transactional documents must be attached to the agenda
608 provided on the association's website. The notice and related
609 proposed contracts or proposed transactional documents related
610 to the conflict must be posted on the association's website at
611 least 7 days before the meeting at which the possible conflict
612 of interest will be considered or voted upon by the board.

613 Section 8. Subsections (4) and (13) and paragraph (a) of
614 subsection (2) of section 720.303, Florida Statutes, are amended
615 to read:

616 720.303 Association powers and duties; meetings of board;
617 official records; budgets; financial reporting; association
618 funds; recalls.—

619 (2) BOARD MEETINGS.—

620 (a) A meeting of the board of directors of an association
621 occurs whenever a quorum of the board gathers to conduct
622 association business. Meetings of the board must be open to all
623 members, except for meetings between the board and its attorney
624 with respect to proposed or pending litigation where the

625 contents of the discussion would otherwise be governed by the
626 attorney-client privilege. A meeting of the board must be held
627 at a location that is accessible to a physically handicapped
628 person if requested by a physically handicapped person who has a
629 right to attend the meeting. The provisions of this subsection
630 shall also apply to the meetings of any committee or other
631 similar body when a final decision will be made regarding the
632 expenditure of association funds and to meetings of any body
633 vested with the power to approve or disapprove architectural
634 decisions with respect to a specific parcel of residential
635 property owned by a member of the community. A meeting of a
636 committee or similar body that does not take final action on
637 behalf of the board or make recommendations to the board
638 regarding the association budget is subject to this section,
639 unless those meetings are exempted from this section.

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

643 (a) Copies of any plans, specifications, permits, and
644 warranties related to improvements constructed on the common
645 areas or other property that the association is obligated to
646 maintain, repair, or replace, and other items provided by the
647 developer pursuant to s. 720.307(4).

648 (b) A copy of the bylaws of the association and of each
649 amendment to the bylaws.

650 (c) A certified copy of the articles of incorporation of

651 the association and of each amendment thereto.

652 (d) A copy of the declaration of covenants and a copy of
653 each amendment thereto.

654 (e) A copy of the current rules of the homeowners'
655 association.

656 (f) The minutes of all meetings of the board of directors
657 and of the members, which minutes must be retained for at least
658 7 years.

659 (g) A current roster of all members and their mailing
660 addresses and parcel identifications. The association shall also
661 maintain the e-mail ~~electronic mailing~~ addresses and the numbers
662 designated by members for receiving notice sent by electronic
663 transmission of those members consenting to receive notice by
664 electronic transmission. An e-mail address or number ~~The~~
665 ~~electronic mailing addresses and numbers~~ provided by a member
666 ~~unit owners~~ to receive notice by electronic transmission must
667 not be accessible to other members if the member revokes, in
668 writing, his or her ~~shall be removed from association records~~
669 ~~when~~ consent to receive notice by electronic transmission ~~is~~
670 ~~revoked~~. However, the association is not liable for an erroneous
671 disclosure of the e-mail ~~electronic mail~~ address or the number
672 for receiving electronic transmission of notices.

673 (h) All of the association's insurance policies or a copy
674 thereof, which policies must be retained for at least 7 years.

675 (i) A current copy of all contracts to which the
676 association is a party, including, without limitation, any

677 management agreement, lease, or other contract under which the
 678 association has any obligation or responsibility. Bids received
 679 by the association for materials, equipment, or services ~~work to~~
 680 ~~be performed~~ must also be considered official records and must
 681 be maintained ~~kept~~ for a period of 1 year.

682 (j) The financial and accounting records of the
 683 association, kept according to good accounting practices. All
 684 financial and accounting records must be maintained for a period
 685 of at least 7 years. The financial and accounting records must
 686 include:

687 1. Accurate, itemized, and detailed records of all
 688 receipts and expenditures.

689 2. A current account and a periodic statement of the
 690 account for each member, designating the name and current
 691 address of each member who is obligated to pay assessments, the
 692 due date and amount of each assessment or other charge against
 693 the member, the date and amount of each payment on the account,
 694 and the balance due.

695 3. All tax returns, audits, reviews, financial statements,
 696 and financial reports of the association.

697 4. Any other records that identify, measure, record, or
 698 communicate financial information.

699 (k) A copy of the disclosure summary described in s.
 700 720.401(1).

701 (l) Ballots, sign-in sheets, voting proxies, and all other
 702 papers relating to voting by members, which must be maintained

703 for 1 year after the date of the election, vote, or meeting to
 704 which the document relates.

705 (m)~~(l)~~ All other written records of the association not
 706 specifically included in the foregoing which are related to the
 707 operation of the association.

708 (13) REPORTING REQUIREMENT.—The community association
 709 manager or management firm,~~or the association when there is no~~
 710 ~~community association manager or management firm,~~ shall report
 711 to the division ~~by November 22, 2013,~~ in a manner and form
 712 prescribed by the division.

713 (a) The report shall include the association's:

- 714 1. Legal name.
- 715 2. Federal employer identification number.
- 716 3. Mailing and physical addresses.
- 717 4. Total number of parcels.
- 718 5. Total amount of revenues and expenses from the
 719 association's annual budget.

720 6. Management firm or community association manager.

721 (b) For associations in which control of the association
 722 has not been transitioned to nondeveloper members, as set forth
 723 in s. 720.307, the report shall also include the developer's:

- 724 1. Legal name.
- 725 2. Mailing address.
- 726 3. Total number of parcels owned on the date of reporting.

727 (c) The reporting requirement provided in this subsection
 728 shall be a continuing obligation on each association until the

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729 required information is reported to the division. A change in
730 the reported information must be updated on the registration
731 system provided for in paragraph (d).

732 (d) ~~By October 1, 2013,~~ The department shall use ~~establish~~
733 ~~and implement~~ a registration system through an Internet website
734 that provides for the reporting requirements of paragraphs (a)
735 and (b).

736 (e) The department shall prepare an annual report of the
737 data reported pursuant to this subsection and present it to the
738 Governor, the President of the Senate, and the Speaker of the
739 House of Representatives by December 1, 2013, and each year
740 thereafter.

741 (f) The division shall adopt rules pursuant to ss.
742 120.536(1) and 120.54 to implement the provisions of this
743 subsection.

744 ~~(g) This subsection shall expire on July 1, 2016, unless~~
745 ~~reenacted by the Legislature.~~

746 Section 9. Section 720.3031, Florida Statutes, is created
747 to read:

748 720.3031 Access to association documents and records on an
749 association website.—An association with 7,500 or more parcels
750 must have a website and provide digital copies of the documents
751 specified in subsection (2) on the association's website. An
752 association with fewer than 7,500 parcels located within the
753 physical boundaries of an affiliated association that has more
754 than 7,500 or more parcels must provide digital copies of

755 specified documents on the larger affiliated association's
756 website. An association with fewer than 7,500 parcels located
757 within the physical boundaries of an association with more than
758 7,500 or more parcels, but that is not affiliated with the
759 larger association, may provide digital copies of certain
760 documents on its website if the association chooses to do so.

761 (1) An association's website must be:

762 (a) An independent website or web portal, wholly owned and
763 operated by the association; or

764 (b) A website or web portal that is operated by a third-
765 party provider with whom the association owns, leases, rents, or
766 otherwise obtains the right to operate a web page, subpage, web
767 portal, or collection of subpages or web portals dedicated to
768 the association's activities and where required notices,
769 records, and documents may be posted by the association.

770 (c) Accessible through the Internet.

771 (2) The following documents must be posted in digital
772 format on the website:

773 (a) Copies of the official records in s. 720.303(4). The
774 current roster of all members with their mailing addresses and
775 parcel identifications may not be posted in digital format on
776 the website. The website must include the following statement:
777 "A current roster of all members and their mailing addresses and
778 parcel identifications is available at the request of an
779 association member." The notice shall include the e-mail address
780 of the person to contact for a copy of the roster.

781 (b) The annual budget required pursuant to s. 720.303(6)
782 and any proposed budget to be considered at the annual meeting.

783 (c) The financial report required pursuant to s.
784 720.303(7) and any proposed financial report to be considered at
785 a meeting.

786 (d) All documents created by the association or a board
787 member relating to the recall of a director under s. 720.303(10)
788 or all documents created for or filed by the association in an
789 arbitration proceeding conducted by the division regarding the
790 recall of a director.

791 (e) A copy of the information submitted to the division to
792 comply with the reporting requirement in s. 720.303(13).

793 (f) Documentation reporting the compensation of directors,
794 officers, or members authorized under s. 720.303(12).

795 (g) The certification of each director required by s.
796 720.3033(1).

797 (h) A list of all contracts or transactions between the
798 association and any director, officer, corporation, firm, or
799 association that is not an affiliated homeowners' association,
800 or any other entity in which an association director is also a
801 director or officer is financially interested.

802 (i) All fidelity bonds entered into by the association.

803 (j) A map of the area governed by the association,
804 including association boundaries.

805 (k) All contracts or documents regarding a conflict of
806 interest or possible conflict of interest as provided in ss.

807 468.436(2) and 720.3033.

808 (1) Notice of a board meeting and the agenda for the
809 meeting, as required by s. 720.303(2), at least 14 days before
810 the meeting. The notice must be posted in plain view on the
811 front page, or on a separate subpage labeled "Notices" which is
812 conspicuously visible and linked from the front page of the
813 association's website. The association must post on the
814 association's website all documents to be considered during the
815 meeting or listed on the agenda no later than 7 days before the
816 meeting at which the document or the information within the
817 document will be considered, including the following documents:

818 1. The proposed annual budget required by s. 720.303(6);

819 2. The proposed financial report required by s.

820 720.303(7).

821 3. A list of persons seeking to be elected to the board.

822 4. A copy of contracts or transactions listed in paragraph

823 (1).

824 5. All competitive bids for materials, equipment, or

825 services.

826 6. All proposed contracts or proposed transactional
827 documents related to a possible conflict of interest set forth
828 in ss. 468.436(2) and 720.3033.

829 (3) The association shall ensure that the information and
830 records described in s. 720.303(5)(c), which are not permitted
831 to be accessible to members or parcel owners, are not posted on
832 the association's website. If protected information, or

833 information restricted from being accessible to members or
834 parcel owners, is included in documents that are required to be
835 posted on the association's website, the association shall
836 ensure the information is redacted before placing the documents
837 online.

838 Section 10. Subsections (2) through (5) of section
839 720.3033, Florida Statutes, are renumbered as subsections (3)
840 through (6), respectively, and subsections (2) and (7) are added
841 to that section, to read:

842 720.3033 Officers and directors.—

843 (2) (a) Directors and officers of a board must disclose to
844 the board activity that may reasonably be construed as a
845 conflict of interest. A rebuttable presumption of a conflict of
846 interest exists if any of the following occurs without prior
847 notice, as required in paragraph (b), or board approval taken at
848 a properly noticed meeting of the members:

849 1. The director, officer, or a relative of a director or
850 officer enters into a contract for goods or services with the
851 association.

852 2. The director, officer, or a relative of a director or
853 officer holds an interest in a corporation, limited liability
854 corporation, partnership, limited liability partnership, or
855 other business entity that conducts business with the
856 association or proposes to enter into a contract or other
857 transaction with the association.

858 3. A corporation, limited liability corporation,

859 partnership, limited liability partnership, or other business
860 entity that, directly or indirectly, owns or controls the
861 director or officer, or otherwise influences any decisions made
862 by the director or officer, intends to conduct business with the
863 association or proposes to enter into a contract or other
864 transaction with the association.

865 (b) If a director, officer, or a relative of a director or
866 officer proposes to engage in an activity that is a conflict of
867 interest, as described in paragraph (a), the proposed activity
868 must be placed on a meeting agenda, including any proposed
869 contract or transactional documents. If the board votes against
870 the proposed activity, the director, officer, or relative of the
871 director or officer shall notify the board in writing of his or
872 her intention not to pursue the proposed activity or withdraw
873 from the position as director or officer. If the board finds
874 that an officer or director has violated this subsection, the
875 board shall immediately remove the affected officer or director
876 from office. The vacancy shall be filled according to general
877 law until.

878 (c) A director, officer, or relative of a director or
879 officer who is party to or has an interest in the transaction or
880 arrangement involving the possible conflict of interest may
881 attend the meeting at which the transaction or arrangement is
882 considered by the board. The director, officer, or relative of
883 the director or officer shall be allowed to make a presentation
884 to the board or committee regarding the transaction or

885 arrangement. After the presentation, the director, officer, or
886 relative of the director or officer must leave the meeting
887 during the discussion of, and the vote upon, the transaction or
888 arrangement involving the possible conflict of interest. A
889 director or officer who is party to or has an interest in such
890 transaction or arrangement shall recuse him or herself from the
891 vote.

892 (d)1. The board must provide notice to members of any
893 possible conflict of interest described in paragraph (a) in
894 accordance with the same procedures required pursuant to s.
895 720.303(2)(c) for notices of meetings at which a special
896 assessment is to be considered. All related proposed contracts
897 or proposed transactional documents related to the conflict must
898 be attached to the agenda and made available with the meeting
899 agenda.

900 2. An association with 7,500 or more parcels must place
901 the notice required in subparagraph 1. on the front page of the
902 association's website. All related proposed contracts or
903 proposed transactional documents related to the conflict must be
904 attached to the agenda provided on the association's website.
905 The notice and related proposed contracts or proposed
906 transactional documents must be posted on the association's
907 website at least 7 days before the meeting at which the possible
908 conflict of interest will be considered or voted upon by the
909 board.

910 (7) If an association consists of 7,500 or more parcels, a

911 committee to hear appeals as described in s. 720.305(2)(b), must
912 consist of at least five members appointed by the board who are
913 not officers, directors, or employees of the association, or the
914 spouse, parent, child, brother, or sister of an officer,
915 director, or employee of the association.

916 Section 11. Paragraphs (c) and (d) are added to subsection
917 (2) of section 720.305, Florida Statutes, to read:

918 720.305 Obligations of members; remedies at law or in
919 equity; levy of fines and suspension of use rights.—

920 (2) The association may levy reasonable fines. A fine may
921 not exceed \$100 per violation against any member or any member's
922 tenant, guest, or invitee for the failure of the owner of the
923 parcel or its occupant, licensee, or invitee to comply with any
924 provision of the declaration, the association bylaws, or
925 reasonable rules of the association unless otherwise provided in
926 the governing documents. A fine may be levied by the board for
927 each day of a continuing violation, with a single notice and
928 opportunity for hearing, except that the fine may not exceed
929 \$1,000 in the aggregate unless otherwise provided in the
930 governing documents. A fine of less than \$1,000 may not become a
931 lien against a parcel. In any action to recover a fine, the
932 prevailing party is entitled to reasonable attorney fees and
933 costs from the nonprevailing party as determined by the court.

934 (c) An association may not enforce traffic laws provided
935 in chapter 316. An association may not place requirements in the
936 governing documents regarding compliance with traffic laws in

937 chapter 316. An association may not levy fines or assessments
938 for violations of traffic laws enforced under s. 316.640. An
939 association may not suspend the right of a member, or a member's
940 tenant, guest, or invitee, to use common areas and facilities
941 for failure to comply with traffic laws.

942 (d) An association may not enforce criminal laws provided
943 in chapters 775-896 or relevant federal law. An association may
944 not place requirements in the governing documents regarding
945 compliance with criminal laws in chapters 775-896 or relevant
946 federal law. An association may not levy fines or assessments
947 for violations of criminal laws provided in chapters 775-896 or
948 relevant federal law. An association may not suspend the right
949 of a member, or a member's tenant, guest, or invitee, to use
950 common areas and facilities for failure to comply with such
951 criminal laws.

952 Section 12. Paragraph (d) of subsection (1) of section
953 720.306, Florida Statutes, is redesignated as paragraph (h),
954 paragraphs (d) through (g) are added to that subsection, and
955 subsections (5) and (9) of that section are amended, to read:

956 720.306 Meetings of members; voting and election
957 procedures; amendments.—

958 (1) QUORUM; AMENDMENTS.—

959 (d) A proposal to amend an existing provision of the
960 declaration must contain the full text of the provision to be
961 amended and may not be revised or amended by reference only to
962 the declaration title or number. Words to be added must be

963 inserted in the text and underlined, and words to be deleted
964 must be stricken with hyphens. However, if the proposed change
965 is so extensive that this procedure would hinder, rather than
966 assist, the understanding of the proposed amendment, it is not
967 necessary to use underlined and stricken text as indicators of
968 words added or deleted. Instead, a notation must be inserted
969 immediately preceding the proposed amendment in substantially
970 the following language: "Substantial rewording of declaration.
971 See provision for present text." An amendment to a declaration
972 is effective when properly recorded in the public records of the
973 county where the declaration is recorded.

974 (e) A nonmaterial error or omission in the amendment
975 process does not invalidate an otherwise properly adopted
976 amendment.

977 (f) An amendment to a recorded governing document is
978 effective when properly recorded in the public records of the
979 county in which the governing document is recorded.

980 (g) An amendment prohibiting parcel owners from renting
981 their homes, altering the duration of the rental term, or
982 specifying or limiting the number of times that parcel owners
983 are entitled to rent their homes during a specified period
984 applies only to parcel owners who acquire title to their homes
985 after the effective date of the amendment or to parcel owners
986 who consent, individually or through a representative, to the
987 amendment.

988 (5) NOTICE OF MEETINGS.—The bylaws shall provide for

989 giving notice to members of all member meetings, and if they do
990 not do so shall be deemed to provide the following: The
991 association shall give all parcel owners and members actual
992 notice of all membership meetings, which shall be mailed,
993 delivered, or electronically transmitted to the members not less
994 than 14 days prior to the meeting. Evidence of compliance with
995 this 14-day notice shall be made by an affidavit executed by the
996 person providing the notice and filed upon execution among the
997 official records of the association. In addition to mailing,
998 delivering, or electronically transmitting the notice of any
999 meeting, the association may, by reasonable rule, adopt a
1000 procedure for conspicuously posting and repeatedly broadcasting
1001 the notice and the agenda on a closed-circuit cable television
1002 system serving the association. When broadcast notice is
1003 provided, the notice and agenda must be broadcast in a manner
1004 and for a sufficient continuous length of time so as to allow an
1005 average reader to observe the notice and read and comprehend the
1006 entire content of the notice and the agenda. Pursuant to s.
1007 720.303, associations with 7,500 parcels or more must place a
1008 copy of all notices of meetings on the association's website at
1009 least 14 days before the meeting.

1010 (9) ELECTIONS AND BOARD VACANCIES.—

1011 (a) Elections of directors must be conducted in accordance
1012 with the procedures set forth in the governing documents of the
1013 association. An association with 7,500 parcels or more must
1014 allow association members to vote in the election of directors

1015 at a designated location from 7 a.m. to 7 p.m. on the day of the
1016 election.

1017 (b) Except as provided in paragraph (c) ~~(b)~~, all members
1018 of the association are eligible to serve on the board of
1019 directors, and a member may nominate himself or herself as a
1020 candidate for the board at a meeting where the election is to be
1021 held; provided, however, that if the election process allows
1022 candidates to be nominated in advance of the meeting, the
1023 association is not required to allow nominations at the meeting.
1024 An election is not required unless more candidates are nominated
1025 than vacancies exist. Except as otherwise provided in the
1026 governing documents, boards of directors must be elected by a
1027 plurality of the votes cast by eligible voters. Any challenge to
1028 the election process must be commenced within 60 days after the
1029 election results are announced.

1030 (c) ~~(b)~~ A person who is delinquent in the payment of any
1031 fee, fine, or other monetary obligation to the association on
1032 the day that he or she could last nominate himself or herself or
1033 be nominated for the board may not seek election to the board,
1034 and his or her name shall not be listed on the ballot. A person
1035 serving as a board member who becomes more than 90 days
1036 delinquent in the payment of any fee, fine, or other monetary
1037 obligation to the association shall be deemed to have abandoned
1038 his or her seat on the board, creating a vacancy on the board to
1039 be filled according to law. For purposes of this paragraph, the
1040 term "any fee, fine, or other monetary obligation" means any

1041 delinquency to the association with respect to any parcel. A
1042 person who has been convicted of any felony in this state or in
1043 a United States District or Territorial Court, or has been
1044 convicted of any offense in another jurisdiction which would be
1045 considered a felony if committed in this state, may not seek
1046 election to the board and is not eligible for board membership
1047 unless such felon's civil rights have been restored for at least
1048 5 years as of the date on which such person seeks election to
1049 the board. The validity of any action by the board is not
1050 affected if it is later determined that a person was ineligible
1051 to seek election to the board or that a member of the board is
1052 ineligible for board membership.

1053 (d)~~(e)~~ Any election dispute between a member and an
1054 association must be submitted to mandatory binding arbitration
1055 with the division. Such proceedings must be conducted in the
1056 manner provided by s. 718.1255 and the procedural rules adopted
1057 by the division. Unless otherwise provided in the bylaws, any
1058 vacancy occurring on the board before the expiration of a term
1059 may be filled by an affirmative vote of the majority of the
1060 remaining directors, even if the remaining directors constitute
1061 less than a quorum, or by the sole remaining director. In the
1062 alternative, a board may hold an election to fill the vacancy,
1063 in which case the election procedures must conform to the
1064 requirements of the governing documents. Unless otherwise
1065 provided in the bylaws, a board member appointed or elected
1066 under this section is appointed for the unexpired term of the

1067 seat being filled. Filling vacancies created by recall is
1068 governed by s. 720.303(11) ~~720.303(10)~~ and rules adopted by the
1069 division.

1070 (e) An outgoing board member, or a board member who is
1071 recalled pursuant to s. 720.303(11), must relinquish all
1072 official records and property of the association in his or her
1073 possession or under his or her control, including administrative
1074 rights or controls of an association's website or other digital
1075 or electronic asset of the association, to the incoming board
1076 within 5 days after the election or, in the case of a recall,
1077 within 5 days after the recall is effective as provided in s.
1078 718.303(11).

1079 Section 13. Paragraph (u) is added to subsection (4) of
1080 section 720.307, Florida Statutes, to read:

1081 720.307 Transition of association control in a community.—
1082 With respect to homeowners' associations:

1083 (4) At the time the members are entitled to elect at least
1084 a majority of the board of directors of the homeowners'
1085 association, the developer shall, at the developer's expense,
1086 within no more than 90 days deliver the following items
1087 ~~documents~~ to the board:

1088 (u) Administrative rights or controls of the association's
1089 website or other digital or electronic asset of the association.

1090 Section 14. Subsections (2) through (6) of section
1091 720.308, Florida Statutes, are renumbered as subsections (3)
1092 through (7), respectively, and a new subsection (2) is added to

1093 that section, to read:

1094 720.308 Assessments and charges.—

1095 (2) Collection of past due assessments.—

1096 (a) An association may not use a third party or take legal
 1097 action to collect unpaid assessments unless the association has
 1098 adopted and follows a written collection policy governing the
 1099 collection of unpaid assessments, which must include:

1100 1. The date on which assessments must be paid to the
 1101 association and when an assessment is considered past due and
 1102 delinquent.

1103 2. All late fees and interest the association is entitled
 1104 to impose on a delinquent member's account.

1105 3. All returned check charges the association is entitled
 1106 to impose.

1107 4. The circumstances under which a member is entitled to
 1108 enter into a payment plan pursuant to this section, and the
 1109 minimum terms of the payment plan.

1110 5. The method by which payments may be applied on the
 1111 delinquent account of a member.

1112 6. The legal remedies available to the association to
 1113 collect on a member's delinquent account.

1114 (b) At least 30 days before the association intends to
 1115 transfer the right to collect past due assessments or a lien to
 1116 a third party or refers it to an attorney for legal action, the
 1117 association must send the member a notice of delinquency
 1118 specifying:

1119 1. The total amount due, with an accounting of how the
1120 total was determined.

1121 2. Whether the opportunity to enter into a payment plan
1122 exists pursuant to this section, and instructions for contacting
1123 the entity to enter into a payment plan.

1124 3. The name and contact information for the individual who
1125 may be contacted to request a copy of the member's ledger in
1126 order to verify the amount of the debt.

1127 4. That action is required to cure the delinquency and
1128 that failure to do so within 30 days after receipt of the notice
1129 may result in the past due assessments being transferred to a
1130 third party for collection, a lawsuit being filed against the
1131 member, the filing and foreclosure of a lien against the
1132 member's property, or other remedies available under general
1133 law.

1134 (c) Payment plans.—

1135 1. In collecting past due assessments and other delinquent
1136 payments, an association or third party authorized to collect
1137 past due assessments shall make a documented, good faith effort
1138 to coordinate with the member to negotiate and establish a
1139 payment plan that meets the requirements of this paragraph.

1140 2. The payment plan must provide a period of at least six
1141 months to pay off the past due assessments in equal
1142 installments.

1143 a. This subsection does not prohibit an association or a
1144 third party authorized to collect past due assessments from

1145 pursuing legal action against a member if the member fails to
 1146 comply with the terms of his or her payment plan.

1147 b. A member's failure to remit payment of an agreed upon
 1148 installment, or to remain current with regular assessments as
 1149 they come due during the time period provided for in the payment
 1150 plan, constitutes a failure to comply with the terms of his or
 1151 her payment plan, and shall require the immediate payment of all
 1152 past due assessments owed by the member to the association or
 1153 third party authorized to collect the past due assessments.

1154 (d) Associations and third parties authorized to collect
 1155 past due assessments are not required to offer a payment plan
 1156 if:

1157 1. If the member does not occupy the parcel and has
 1158 acquired the property as a result of:

1159 a. Default of a security interest encumbering the parcel;
 1160 or

1161 b. Foreclosure of the association's lien; and

1162 2. The association or third party authorized to collect
 1163 the past due assessment has entered into a payment plan with a
 1164 member previously under this paragraph.

1165 Section 15. Paragraph (g) is added to subsection (1) of
 1166 section 720.3085, Florida Statutes, to read:

1167 720.3085 Payment for assessments; lien claims.—

1168 (1) When authorized by the governing documents, the
 1169 association has a lien on each parcel to secure the payment of
 1170 assessments and other amounts provided for by this section.

1171 Except as otherwise set forth in this section, the lien is
1172 effective from and shall relate back to the date on which the
1173 original declaration of the community was recorded. However, as
1174 to first mortgages of record, the lien is effective from and
1175 after recording of a claim of lien in the public records of the
1176 county in which the parcel is located. This subsection does not
1177 bestow upon any lien, mortgage, or certified judgment of record
1178 on July 1, 2008, including the lien for unpaid assessments
1179 created in this section, a priority that, by law, the lien,
1180 mortgage, or judgment did not have before July 1, 2008.

1181 (g) The association may bring an action in its name to
1182 foreclose a lien for assessments in the same manner in which a
1183 mortgage of real property is foreclosed and may also bring an
1184 action to recover a money judgment for the unpaid assessments
1185 without waiving any claim of lien. The association may recover
1186 reasonable attorney fees incurred in an action to foreclose a
1187 lien or an action to recover a money judgment for unpaid
1188 assessments. The association may only foreclose on the lien if:

1189 1. The balance of the assessments and charges secured by
1190 the lien equals or exceeds 6 months of common expense
1191 assessments based on a periodic budget adopted by the
1192 association; and

1193 2. The association's board has formally resolved, by a
1194 recorded vote, to authorize the filing of a legal action against
1195 the specific parcel on an individual basis. The board may not
1196 delegate its duty to act under this subparagraph to an attorney,

1197 insurer, manager, or third party, and any legal action filed
 1198 without evidence of the required recorded vote authorizing the
 1199 action shall be dismissed by the court in which the action was
 1200 filed. Attorney fees, court costs, or other charges incurred by
 1201 the association, holder of the lien, or third party in
 1202 connection with an action that is dismissed for this reason may
 1203 not be assessed against the member.

1204 Section 16. Subsection (1) of section 720.311, Florida
 1205 Statutes, is amended to read:

1206 720.311 Dispute resolution.—

1207 (1) The Legislature finds that alternative dispute
 1208 resolution has made progress in reducing court dockets and
 1209 trials and in offering a more efficient, cost-effective option
 1210 to litigation. The filing of any petition for arbitration or the
 1211 serving of a demand for presuit mediation as provided for in
 1212 this section shall toll the applicable statute of limitations.
 1213 Any recall dispute filed with the department pursuant to s.
 1214 720.303(11) ~~720.303(10)~~ shall be conducted by the department in
 1215 accordance with the provisions of ss. 718.112(2)(j) and 718.1255
 1216 and the rules adopted by the division. In addition, the
 1217 department shall conduct mandatory binding arbitration of
 1218 election disputes between a member and an association pursuant
 1219 to s. 718.1255 and rules adopted by the division. Neither
 1220 election disputes nor recall disputes are eligible for presuit
 1221 mediation; these disputes shall be arbitrated by the department.
 1222 At the conclusion of the proceeding, the department shall charge

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1223 the parties a fee in an amount adequate to cover all costs and
1224 expenses incurred by the department in conducting the
1225 proceeding. Initially, the petitioner shall remit a filing fee
1226 of at least \$200 to the department. The fees paid to the
1227 department shall become a recoverable cost in the arbitration
1228 proceeding, and the prevailing party in an arbitration
1229 proceeding shall recover its reasonable costs and attorney's
1230 fees in an amount found reasonable by the arbitrator. The
1231 department shall adopt rules to effectuate the purposes of this
1232 section.

1233 Section 17. This act shall take effect July 1, 2016.