

By the Committees on Judiciary; and Regulated Industries; and
Senator Passidomo

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1 A bill to be entitled
2 An act relating to community associations; creating s.
3 633.2225, F.S.; requiring certain condominium or
4 cooperative associations to post certain signs or
5 symbols on buildings; requiring the State Fire Marshal
6 to ensure that the dimensions and placement of the
7 signs or symbols do not diminish the aesthetic value
8 of the buildings on which they are placed and to adopt
9 rules governing such signs or symbols; providing for
10 enforcement; providing penalties; amending s. 718.111,
11 F.S.; revising reporting requirements; amending s.
12 718.112, F.S.; revising provisions relating to
13 required condominium and cooperative association
14 bylaws; authorizing an association to adopt rules for
15 posting certain notices on a website; revising
16 provisions relating to evidence of condominium and
17 cooperative association compliance with the fire and
18 life safety code; revising unit and common elements
19 required to be retrofitted; revising provisions
20 relating to an association vote to forego
21 retrofitting; providing applicability; amending s.
22 718.113, F.S.; revising voting requirements relating
23 to alterations and additions to certain common
24 elements or association property; amending s. 718.117,
25 F.S.; providing legislative findings; revising voting
26 requirements for the rejection of a plan of
27 termination; increasing the amount of time before a
28 subsequent plan of termination may be considered under
29 certain conditions; revising applicability; revising

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30 the requirements to qualify for payment as a homestead
31 owner if the owner has rejected a plan of termination;
32 revising and providing notice requirements; providing
33 applicability; amending s. 719.104, F.S.; revising
34 recordkeeping and reporting requirements; amending s.
35 719.1055, F.S.; revising provisions relating to
36 required cooperative association bylaws; revising
37 provisions relating to evidence of condominium and
38 cooperative association compliance with the fire and
39 life safety code; revising unit and common elements
40 required to be retrofitted; revising provisions
41 relating to an association vote to forego
42 retrofitting; providing applicability; amending s.
43 719.106, F.S.; revising requirements to serve as a
44 board member; prohibiting a board member from voting
45 via e-mail; authorizing an association to adopt rules
46 for posting certain notices on a website; requiring
47 that directors who are delinquent in certain payments
48 owed in excess of certain periods of time be deemed to
49 have abandoned their offices; amending s. 719.107,
50 F.S.; specifying certain services which are obtained
51 pursuant to a bulk contract to be deemed a common
52 expense; amending s. 720.303, F.S.; prohibiting a
53 board member from voting via e-mail; revising certain
54 notice requirements relating to board meetings;
55 providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Section 633.2225, Florida Statutes, is created
60 to read:

61 633.2225 Condominium and cooperative buildings without
62 sprinkler systems; notice requirements; enforcement.-

63 (1) The board of a condominium or cooperative association
64 that operates a building of three stories or more that has not
65 installed a sprinkler system in the common areas of the building
66 shall mark the building with a sign or symbol approved by the
67 State Fire Marshal in a manner sufficient to warn persons
68 conducting fire control and other emergency operations of the
69 lack of a sprinkler system in the common areas.

70 (2) The State Fire Marshal shall ensure that the dimensions
71 and placement of the sign or symbol do not diminish the
72 aesthetic value of the building and shall adopt rules necessary
73 to implement this section. Among other things, the rules must
74 address:

75 (a) The dimensions and color of such sign or symbol.

76 (b) The time within which the condominium or cooperative
77 buildings without sprinkler systems shall be marked as required
78 by this section.

79 (c) The location on each condominium or cooperative
80 building without a sprinkler system where such sign or symbol
81 must be posted.

82 (3) The State Fire Marshal, and local fire officials in
83 accordance with s. 633.118, shall enforce this section. An owner
84 who fails to comply with the requirements of this section is
85 subject to penalties as provided in s. 633.228.

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

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88 718.111 The association.—

89 (12) OFFICIAL RECORDS.—

90 (a) From the inception of the association, the association
91 shall maintain each of the following items, if applicable, which
92 constitutes the official records of the association:

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

95 2. A photocopy of the recorded declaration of condominium
96 of each condominium operated by the association and each
97 amendment to each declaration.

98 3. A photocopy of the recorded bylaws of the association
99 and each amendment to the bylaws.

100 4. A certified copy of the articles of incorporation of the
101 association, or other documents creating the association, and
102 each amendment thereto.

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

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

107 7. A current roster of all unit owners and their mailing
108 addresses, unit identifications, and voting certifications, and,
109 if known, telephone numbers. The association shall also maintain
110 the electronic mailing addresses and facsimile numbers of unit
111 owners consenting to receive notice by electronic transmission.
112 The electronic mailing addresses and facsimile numbers are not
113 accessible to unit owners if consent to receive notice by
114 electronic transmission is not provided in accordance with
115 subparagraph (c)5. However, the association is not liable for an
116 inadvertent disclosure of the electronic mail address or

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117 facsimile number for receiving electronic transmission of
118 notices.

119 8. All current insurance policies of the association and
120 condominiums operated by the association.

121 9. A current copy of any management agreement, lease, or
122 other contract to which the association is a party or under
123 which the association or the unit owners have an obligation or
124 responsibility.

125 10. Bills of sale or transfer for all property owned by the
126 association.

127 11. Accounting records for the association and separate
128 accounting records for each condominium that the association
129 operates. All accounting records must be maintained for at least
130 7 years. Any person who knowingly or intentionally defaces or
131 destroys such records, or who knowingly or intentionally fails
132 to create or maintain such records, with the intent of causing
133 harm to the association or one or more of its members, is
134 personally subject to a civil penalty pursuant to s.
135 718.501(1)(d). The accounting records must include, but are not
136 limited to:

137 a. Accurate, itemized, and detailed records of all receipts
138 and expenditures.

139 b. A current account and a monthly, bimonthly, or quarterly
140 statement of the account for each unit designating the name of
141 the unit owner, the due date and amount of each assessment, the
142 amount paid on the account, and the balance due.

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

145 d. All contracts for work to be performed. Bids for work to

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146 be performed are also considered official records and must be
147 maintained by the association for 1 year.

148 12. Ballots, sign-in sheets, voting proxies, and all other
149 papers and electronic records relating to voting by unit owners,
150 which must be maintained for 1 year from the date of the
151 election, vote, or meeting to which the document relates,
152 notwithstanding paragraph (b).

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

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

157 15. All other written records of the association not
158 specifically included in the foregoing which are related to the
159 operation of the association.

160 16. A copy of the inspection report as described in s.
161 718.301(4)(p).

162 (b) The official records of the association must be
163 maintained within the state for at least 7 years. The records of
164 the association shall be made available to a unit owner within
165 45 miles of the condominium property or within the county in
166 which the condominium property is located within 10 ~~5~~ working
167 days after receipt of a written request by the board or its
168 designee. However, such distance requirement does not apply to
169 an association governing a timeshare condominium. This paragraph
170 may be complied with by having a copy of the official records of
171 the association available for inspection or copying on the
172 condominium property or association property, or the association
173 may offer the option of making the records available to a unit
174 owner electronically via the Internet or by allowing the records

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175 to be viewed in electronic format on a computer screen and
176 printed upon request. The association is not responsible for the
177 use or misuse of the information provided to an association
178 member or his or her authorized representative pursuant to the
179 compliance requirements of this chapter unless the association
180 has an affirmative duty not to disclose such information
181 pursuant to this chapter.

182 (c) The official records of the association are open to
183 inspection by any association member or the authorized
184 representative of such member at all reasonable times. The right
185 to inspect the records includes the right to make or obtain
186 copies, at the reasonable expense, if any, of the member. The
187 association may adopt reasonable rules regarding the frequency,
188 time, location, notice, and manner of record inspections and
189 copying. The failure of an association to provide the records
190 within 10 working days after receipt of a written request
191 creates a rebuttable presumption that the association willfully
192 failed to comply with this paragraph. A unit owner who is denied
193 access to official records is entitled to the actual damages or
194 minimum damages for the association's willful failure to comply.
195 Minimum damages are \$50 per calendar day for up to 10 days,
196 beginning on the 11th working day after receipt of the written
197 request. The failure to permit inspection entitles any person
198 prevailing in an enforcement action to recover reasonable
199 attorney fees from the person in control of the records who,
200 directly or indirectly, knowingly denied access to the records.
201 Any person who knowingly or intentionally defaces or destroys
202 accounting records that are required by this chapter to be
203 maintained during the period for which such records are required

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204 to be maintained, or who knowingly or intentionally fails to
205 create or maintain accounting records that are required to be
206 created or maintained, with the intent of causing harm to the
207 association or one or more of its members, is personally subject
208 to a civil penalty pursuant to s. 718.501(1)(d). The association
209 shall maintain an adequate number of copies of the declaration,
210 articles of incorporation, bylaws, and rules, and all amendments
211 to each of the foregoing, as well as the question and answer
212 sheet as described in s. 718.504 and year-end financial
213 information required under this section, on the condominium
214 property to ensure their availability to unit owners and
215 prospective purchasers, and may charge its actual costs for
216 preparing and furnishing these documents to those requesting the
217 documents. An association shall allow a member or his or her
218 authorized representative to use a portable device, including a
219 smartphone, tablet, portable scanner, or any other technology
220 capable of scanning or taking photographs, to make an electronic
221 copy of the official records in lieu of the association's
222 providing the member or his or her authorized representative
223 with a copy of such records. The association may not charge a
224 member or his or her authorized representative for the use of a
225 portable device. Notwithstanding this paragraph, the following
226 records are not accessible to unit owners:

227 1. Any record protected by the lawyer-client privilege as
228 described in s. 90.502 and any record protected by the work-
229 product privilege, including a record prepared by an association
230 attorney or prepared at the attorney's express direction, which
231 reflects a mental impression, conclusion, litigation strategy,
232 or legal theory of the attorney or the association, and which

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233 was prepared exclusively for civil or criminal litigation or for
234 adversarial administrative proceedings, or which was prepared in
235 anticipation of such litigation or proceedings until the
236 conclusion of the litigation or proceedings.

237 2. Information obtained by an association in connection
238 with the approval of the lease, sale, or other transfer of a
239 unit.

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

247 4. Medical records of unit owners.

248 5. Social security numbers, driver license numbers, credit
249 card numbers, e-mail addresses, telephone numbers, facsimile
250 numbers, emergency contact information, addresses of a unit
251 owner other than as provided to fulfill the association's notice
252 requirements, and other personal identifying information of any
253 person, excluding the person's name, unit designation, mailing
254 address, property address, and any address, e-mail address, or
255 facsimile number provided to the association to fulfill the
256 association's notice requirements. Notwithstanding the
257 restrictions in this subparagraph, an association may print and
258 distribute to parcel owners a directory containing the name,
259 parcel address, and all telephone numbers of each parcel owner.
260 However, an owner may exclude his or her telephone numbers from
261 the directory by so requesting in writing to the association. An

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262 owner may consent in writing to the disclosure of other contact
263 information described in this subparagraph. The association is
264 not liable for the inadvertent disclosure of information that is
265 protected under this subparagraph if the information is included
266 in an official record of the association and is voluntarily
267 provided by an owner and not requested by the association.

268 6. Electronic security measures that are used by the
269 association to safeguard data, including passwords.

270 7. The software and operating system used by the
271 association which allow the manipulation of data, even if the
272 owner owns a copy of the same software used by the association.
273 The data is part of the official records of the association.

274 (d) The association shall prepare a question and answer
275 sheet as described in s. 718.504, and shall update it annually.

276 (e)1. The association or its authorized agent is not
277 required to provide a prospective purchaser or lienholder with
278 information about the condominium or the association other than
279 information or documents required by this chapter to be made
280 available or disclosed. The association or its authorized agent
281 may charge a reasonable fee to the prospective purchaser,
282 lienholder, or the current unit owner for providing good faith
283 responses to requests for information by or on behalf of a
284 prospective purchaser or lienholder, other than that required by
285 law, if the fee does not exceed \$150 plus the reasonable cost of
286 photocopying and any attorney's fees incurred by the association
287 in connection with the response.

288 2. An association and its authorized agent are not liable
289 for providing such information in good faith pursuant to a
290 written request if the person providing the information includes

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291 a written statement in substantially the following form: "The
292 responses herein are made in good faith and to the best of my
293 ability as to their accuracy."

294 (f) An outgoing board or committee member must relinquish
295 all official records and property of the association in his or
296 her possession or under his or her control to the incoming board
297 within 5 days after the election. The division shall impose a
298 civil penalty as set forth in s. 718.501(1)(d)6. against an
299 outgoing board or committee member who willfully and knowingly
300 fails to relinquish such records and property.

301 (13) FINANCIAL REPORTING.—Within 90 days after the end of
302 the fiscal year, or annually on a date provided in the bylaws,
303 the association shall prepare and complete, or contract for the
304 preparation and completion of, a financial report for the
305 preceding fiscal year. Within 21 days after the final financial
306 report is completed by the association or received from the
307 third party, but not later than 120 days after the end of the
308 fiscal year or other date as provided in the bylaws, the
309 association shall mail to each unit owner at the address last
310 furnished to the association by the unit owner, or hand deliver
311 to each unit owner, a copy of the financial report or a notice
312 that a copy of the financial report will be mailed or hand
313 delivered to the unit owner, without charge, upon receipt of a
314 written request from the unit owner. The division shall adopt
315 rules setting forth uniform accounting principles and standards
316 to be used by all associations and addressing the financial
317 reporting requirements for multicondominium associations. The
318 rules must include, but not be limited to, standards for
319 presenting a summary of association reserves, including a good

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320 faith estimate disclosing the annual amount of reserve funds
321 that would be necessary for the association to fully fund
322 reserves for each reserve item based on the straight-line
323 accounting method. This disclosure is not applicable to reserves
324 funded via the pooling method. In adopting such rules, the
325 division shall consider the number of members and annual
326 revenues of an association. Financial reports shall be prepared
327 as follows:

328 (a) An association that meets the criteria of this
329 paragraph shall prepare a complete set of financial statements
330 in accordance with generally accepted accounting principles. The
331 financial statements must be based upon the association's total
332 annual revenues, as follows:

333 1. An association with total annual revenues of \$150,000 or
334 more, but less than \$300,000, shall prepare compiled financial
335 statements.

336 2. An association with total annual revenues of at least
337 \$300,000, but less than \$500,000, shall prepare reviewed
338 financial statements.

339 3. An association with total annual revenues of \$500,000 or
340 more shall prepare audited financial statements.

341 (b)1. An association with total annual revenues of less
342 than \$150,000 shall prepare a report of cash receipts and
343 expenditures.

344 ~~2. An association that operates fewer than 50 units,~~
345 ~~regardless of the association's annual revenues, shall prepare a~~
346 ~~report of cash receipts and expenditures in lieu of financial~~
347 ~~statements required by paragraph (a).~~

348 2.3. A report of cash receipts and disbursements must

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349 disclose the amount of receipts by accounts and receipt
350 classifications and the amount of expenses by accounts and
351 expense classifications, including, but not limited to, the
352 following, as applicable: costs for security, professional and
353 management fees and expenses, taxes, costs for recreation
354 facilities, expenses for refuse collection and utility services,
355 expenses for lawn care, costs for building maintenance and
356 repair, insurance costs, administration and salary expenses, and
357 reserves accumulated and expended for capital expenditures,
358 deferred maintenance, and any other category for which the
359 association maintains reserves.

360 (c) An association may prepare, without a meeting of or
361 approval by the unit owners:

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

365 2. Reviewed or audited financial statements, if the
366 association is required to prepare compiled financial
367 statements; or

368 3. Audited financial statements if the association is
369 required to prepare reviewed financial statements.

370 (d) If approved by a majority of the voting interests
371 present at a properly called meeting of the association, an
372 association may prepare:

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

375 2. A report of cash receipts and expenditures or a compiled
376 financial statement in lieu of a reviewed or audited financial
377 statement; or

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378 3. A report of cash receipts and expenditures, a compiled
379 financial statement, or a reviewed financial statement in lieu
380 of an audited financial statement.

381
382 Such meeting and approval must occur before the end of the
383 fiscal year and is effective only for the fiscal year in which
384 the vote is taken, except that the approval may also be
385 effective for the following fiscal year. If the developer has
386 not turned over control of the association, all unit owners,
387 including the developer, may vote on issues related to the
388 preparation of the association's financial reports, from the
389 date of incorporation of the association through the end of the
390 second fiscal year after the fiscal year in which the
391 certificate of a surveyor and mapper is recorded pursuant to s.
392 718.104(4)(e) or an instrument that transfers title to a unit in
393 the condominium which is not accompanied by a recorded
394 assignment of developer rights in favor of the grantee of such
395 unit is recorded, whichever occurs first. Thereafter, all unit
396 owners except the developer may vote on such issues until
397 control is turned over to the association by the developer. Any
398 audit or review prepared under this section shall be paid for by
399 the developer if done before turnover of control of the
400 association. ~~An association may not waive the financial~~
401 ~~reporting requirements of this section for more than 3~~
402 ~~consecutive years.~~

403 Section 3. Paragraphs (c) and (1) of subsection (2) of
404 section 718.112, Florida Statutes, are amended to read:

405 718.112 Bylaws.—

406 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the

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407 following and, if they do not do so, shall be deemed to include
408 the following:

409 (c) *Board of administration meetings.*—Meetings of the board
410 of administration at which a quorum of the members is present
411 are open to all unit owners. Members of the board of
412 administration may use e-mail as a means of communication but
413 may not cast a vote on an association matter via e-mail. A unit
414 owner may tape record or videotape the meetings. The right to
415 attend such meetings includes the right to speak at such
416 meetings with reference to all designated agenda items. The
417 division shall adopt reasonable rules governing the tape
418 recording and videotaping of the meeting. The association may
419 adopt written reasonable rules governing the frequency,
420 duration, and manner of unit owner statements.

421 1. Adequate notice of all board meetings, which must
422 specifically identify all agenda items, must be posted
423 conspicuously on the condominium property at least 48 continuous
424 hours before the meeting except in an emergency. If 20 percent
425 of the voting interests petition the board to address an item of
426 business, the board, within 60 days after receipt of the
427 petition, shall place the item on the agenda at its next regular
428 board meeting or at a special meeting called for that purpose.
429 An item not included on the notice may be taken up on an
430 emergency basis by a vote of at least a majority plus one of the
431 board members. Such emergency action must be noticed and
432 ratified at the next regular board meeting. Notice of any
433 meeting in which a regular or special assessment against unit
434 owners is to be considered must specifically state that
435 assessments will be considered and provide the estimated amount

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436 and a description of the purposes for such assessments. ~~However,~~
437 Written notice of a meeting at which a nonemergency special
438 assessment or an amendment to rules regarding unit use will be
439 considered must be mailed, delivered, or electronically
440 transmitted to the unit owners and posted conspicuously on the
441 condominium property at least 14 days before the meeting.
442 Evidence of compliance with this 14-day notice requirement must
443 be made by an affidavit executed by the person providing the
444 notice and filed with the official records of the association.
445 Upon notice to the unit owners, the board shall, by duly adopted
446 rule, designate a specific location on the condominium or
447 association property where all notices of board meetings must be
448 posted. If there is no condominium property or association
449 property where notices can be posted, notices shall be mailed,
450 delivered, or electronically transmitted to each unit owner at
451 least 14 days before the meeting. In lieu of or in addition to
452 the physical posting of the notice on the condominium property,
453 the association may, by reasonable rule, adopt a procedure for
454 conspicuously posting and repeatedly broadcasting the notice and
455 the agenda on a closed-circuit cable television system serving
456 the condominium association. However, if broadcast notice is
457 used in lieu of a notice physically posted on condominium
458 property, the notice and agenda must be broadcast at least four
459 times every broadcast hour of each day that a posted notice is
460 otherwise required under this section. If broadcast notice is
461 provided, the notice and agenda must be broadcast in a manner
462 and for a sufficient continuous length of time so as to allow an
463 average reader to observe the notice and read and comprehend the
464 entire content of the notice and the agenda. In addition to any

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465 of the authorized means of providing notice of a meeting of the
466 board, the association may adopt by rule a procedure for
467 conspicuously posting the meeting notice and the agenda on a
468 website serving the condominium association for at least the
469 minimum period of time for which a notice of a meeting is also
470 required to be physically posted on the condominium property.
471 Any rule adopted shall, in addition to other matters, include a
472 requirement that the association send an electronic notice
473 providing a hypertext link to the website where the notice is
474 posted ~~Notice of any meeting in which regular or special~~
475 ~~assessments against unit owners are to be considered must~~
476 ~~specifically state that assessments will be considered and~~
477 ~~provide the nature, estimated cost, and description of the~~
478 ~~purposes for such assessments.~~

479 2. Meetings of a committee to take final action on behalf
480 of the board or make recommendations to the board regarding the
481 association budget are subject to this paragraph. Meetings of a
482 committee that does not take final action on behalf of the board
483 or make recommendations to the board regarding the association
484 budget are subject to this section, unless those meetings are
485 exempted from this section by the bylaws of the association.

486 3. Notwithstanding any other law, the requirement that
487 board meetings and committee meetings be open to the unit owners
488 does not apply to:

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

493 b. Board meetings held for the purpose of discussing

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494 personnel matters.

495 (1) *Certificate of compliance.*—A provision that a
496 certificate of compliance from a licensed electrical contractor
497 or electrician may be accepted by the association's board as
498 evidence of compliance ~~of the condominium units~~ with the
499 applicable fire and life safety code must be included.
500 Notwithstanding chapter 633, s. 509.215, s. 553.895(1), or ~~of~~
501 any other code, statute, ordinance, administrative rule, or
502 regulation, or any interpretation of the foregoing, an
503 association, ~~residential condominium,~~ or unit owner is not
504 obligated to retrofit the common elements, association property,
505 or units of a residential condominium with a fire sprinkler
506 system or other engineered lifesafety system in a building that
507 is 75 feet or less in height. There is no obligation to retrofit
508 for a building greater than 75 feet in height, calculated from
509 the lowest level of fire department vehicle access to the floor
510 of the highest occupiable story ~~has been certified for occupancy~~
511 ~~by the applicable governmental entity~~ if the unit owners have
512 voted to forego such retrofitting by the affirmative vote of
513 two-thirds ~~a majority~~ of all voting interests in the affected
514 condominium. There is no requirement that owners in condominiums
515 of 75 feet or less conduct an opt-out vote and such condominiums
516 are exempt from fire sprinkler or other engineered lifesafety
517 retrofitting. The preceding sentence is intended to clarify
518 existing law. The local authority having jurisdiction may not
519 require completion of retrofitting with a fire sprinkler system
520 or other engineered lifesafety system before January 1, 2022
521 ~~2020~~. By December 31, 2018 ~~2016~~, an ~~a residential condominium~~
522 association that operates a residential condominium that is not

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523 in compliance with the requirements for a fire sprinkler system
524 or other engineered lifesafety system and has not voted to
525 forego retrofitting of such a system must initiate an
526 application for a building permit for the required installation
527 with the local government having jurisdiction demonstrating that
528 the association will become compliant by December 31, 2021 ~~2019~~.

529 1. A vote to forego required retrofitting may be obtained
530 by limited proxy or by a ballot personally cast at a duly called
531 membership meeting, or by execution of a written consent by the
532 member, or by electronic voting, and is effective upon recording
533 a certificate executed by an officer or agent of the association
534 attesting to such vote in the public records of the county where
535 the condominium is located. When an opt-out vote is to be
536 conducted at a meeting, the association shall mail or ~~hand~~
537 deliver to each unit owner, at each physical and electronic
538 address of record, written notice at least 14 days before the
539 membership meeting in which the vote to forego retrofitting of
540 the required fire sprinkler system or other engineered
541 lifesafety system is to take place. Within 30 days after the
542 association's opt-out vote, notice of the results of the opt-out
543 vote must be mailed or ~~hand~~ delivered to all unit owners at each
544 physical and electronic address of record. Evidence of
545 compliance with this notice requirement must be made by
546 affidavit executed by the person providing the notice and filed
547 among the official records of the association. Failure to
548 provide timely notice to unit owners does not invalidate an
549 otherwise valid opt-out vote if notice of the results is
550 provided to the owners. After notice is provided to each owner,
551 a copy must be provided by the current owner to a new owner

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552 before closing and by a unit owner to a renter before signing a
553 lease.

554 2. If there has been a previous vote to forego
555 retrofitting, a vote to require retrofitting may be obtained at
556 a special meeting of the unit owners called by a petition of at
557 least 10 percent of the voting interests or by a majority of the
558 board of directors. The vote to require retrofitting requires a
559 two-thirds vote of the total voting interest. ~~Such a vote may~~
560 ~~only be called once every 3 years.~~ Notice shall be provided as
561 required for any regularly called meeting of the unit owners,
562 and must state the purpose of the meeting. ~~Electronic~~
563 ~~transmission may not be used to provide notice of a meeting~~
564 ~~called in whole or in part for this purpose.~~

565 3. As part of the information collected annually from
566 condominiums, the division shall require condominium
567 associations to report the membership vote and recording of a
568 certificate under this subsection and, if retrofitting has been
569 undertaken, the per-unit cost of such work. The division shall
570 annually report to the Division of State Fire Marshal of the
571 Department of Financial Services the number of condominiums that
572 have elected to forego retrofitting. Compliance with this
573 administrative reporting requirement does not affect the
574 validity of an opt-out vote.

575 4. Notwithstanding s. 553.509, a residential association
576 may not be obligated to, and may forego the retrofitting of, any
577 improvements required by s. 553.509(2) upon an affirmative vote
578 of two-thirds ~~a majority~~ of the voting interests in the affected
579 condominium.

580 5. The provisions of this paragraph do not apply to

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581 timeshare condominium associations, which shall be governed by
582 s. 721.24.

583 Section 4. Subsection (2) of section 718.113, Florida
584 Statutes, is amended to read:

585 718.113 Maintenance; limitation upon improvement; display
586 of flag; hurricane shutters and protection; display of religious
587 decorations.—

588 (2) (a) Except as otherwise provided in this section, there
589 shall be no material alteration or substantial additions to the
590 common elements or to real property which is association
591 property, except in a manner provided in the declaration as
592 originally recorded or as amended under the procedures provided
593 therein. If the declaration as originally recorded or as amended
594 under the procedures provided therein does not specify the
595 procedure for approval of material alterations or substantial
596 additions, 75 percent of the total voting interests of the
597 association must approve the alterations or additions before the
598 material alterations or substantial additions are commenced.

599 This paragraph is intended to clarify existing law and applies
600 to associations existing on the effective date of this act
601 ~~October 1, 2008.~~

602 (b) There shall not be any material alteration of, or
603 substantial addition to, the common elements of any condominium
604 operated by a multicondominium association unless approved in
605 the manner provided in the declaration of the affected
606 condominium or condominiums as originally recorded or as amended
607 under the procedures provided therein. If a declaration as
608 originally recorded or as amended under the procedures provided
609 therein does not specify a procedure for approving such an

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610 alteration or addition, the approval of 75 percent of the total
611 voting interests of each affected condominium is required before
612 the material alterations or substantial additions are commenced.

613 This subsection does not prohibit a provision in any
614 declaration, articles of incorporation, or bylaws as originally
615 recorded or as amended under the procedures provided therein
616 requiring the approval of unit owners in any condominium
617 operated by the same association or requiring board approval
618 before a material alteration or substantial addition to the
619 common elements is permitted. This paragraph is intended to
620 clarify existing law and applies to associations existing on the
621 effective date of this act.

622 (c) There shall not be any material alteration or
623 substantial addition made to association real property operated
624 by a multicondominium association, except as provided in the
625 declaration, articles of incorporation, or bylaws as originally
626 recorded or as amended under the procedures provided therein. If
627 the declaration, articles of incorporation, or bylaws as
628 originally recorded or as amended under the procedures provided
629 therein do not specify the procedure for approving an alteration
630 or addition to association real property, the approval of 75
631 percent of the total voting interests of the association is
632 required before the material alterations or substantial
633 additions are commenced. This paragraph is intended to clarify
634 existing law and applies to associations existing on the
635 effective date of this act.

636 Section 5. Subsections (1) and (3) of section 718.117,
637 Florida Statutes, are amended to read:

638 718.117 Termination of condominium.—

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639 (1) LEGISLATIVE FINDINGS.—The Legislature finds that:

640 (a) Condominiums are created as authorized by statute and
641 are subject to covenants that encumber the land and restrict the
642 use of the use of real property.

643 (b) In some circumstances, the continued enforcement of
644 those covenants that may create economic waste, areas of
645 disrepair that threaten the safety and welfare of the public, or
646 cause obsolescence of the a condominium property for its
647 intended use and thereby lower property tax values, and the
648 Legislature further finds that it is the public policy of this
649 state to provide by statute a method to preserve the value of
650 the property interests and the rights of alienation thereof that
651 owners have in the condominium property before and after
652 termination.

653 (c) The Legislature further finds that It is contrary to
654 the public policy of this state to require the continued
655 operation of a condominium when to do so constitutes economic
656 waste or when the ability to do so is made impossible by law or
657 regulation.

658 (d) It is in the best interest of the state to provide for
659 termination of the covenants of a declaration of condominium in
660 certain circumstances, in order to:

661 1. Ensure the continued maintenance, management, and repair
662 of stormwater management systems, conservation areas, and
663 conservation easements.

664 2. Avoid transferring the expense of maintaining
665 infrastructure serving the condominium property, including, but
666 not limited to, stormwater systems and conservation areas, to
667 the general tax bases of the state and local governments.

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668 3. Prevent covenants from impairing the continued
669 productive use of the property.

670 4. Protect state residents from health and safety hazards
671 created by derelict, damaged, obsolete, or abandoned condominium
672 properties.

673 5. Provide for fair treatment and just compensation for
674 individuals, preserve property values, and preserve the local
675 property tax base.

676 6. Preserve the state's long history of protecting
677 homestead property and homestead property rights by ensuring
678 that such protection is extended to homestead property owners in
679 the context of a termination of the covenants of a declaration
680 of condominium. This section applies to all condominiums in this
681 state in existence on or after July 1, 2007.

682 (3) OPTIONAL TERMINATION. ~~Except as provided in subsection~~
683 ~~(2) or unless the declaration provides for a lower percentage,~~
684 The condominium form of ownership may be terminated for all or a
685 portion of the condominium property pursuant to a plan of
686 termination meeting the requirements of this section and
687 approved by the division. Before a residential association
688 submits a plan to the division, the plan must be approved by at
689 least 80 percent of the total voting interests of the
690 condominium. However, if 5 ~~10~~ percent or more of the total
691 voting interests of the condominium have rejected the plan of
692 termination by negative vote or by providing written objections,
693 the plan of termination may not proceed.

694 (a) The termination of the condominium form of ownership is
695 subject to the following conditions:

696 1. The total voting interests of the condominium must

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697 include all voting interests for the purpose of considering a
698 plan of termination. A voting interest of the condominium may
699 not be suspended for any reason when voting on termination
700 pursuant to this subsection.

701 2. If 5 ~~10~~ percent or more of the total voting interests of
702 the condominium reject a plan of termination, a subsequent plan
703 of termination pursuant to this subsection may not be considered
704 for 24 ~~18~~ months after the date of the rejection.

705 (b) This subsection does not apply to any condominium
706 created pursuant to part VI of this chapter until 10 ~~5~~ years
707 after the recording of the declaration of condominium, unless
708 there is no objection to the plan of termination.

709 (c) For purposes of this subsection, the term "bulk owner"
710 means the single holder of such voting interests or an owner
711 together with a related entity or entities that would be
712 considered an insider, as defined in s. 726.102, holding such
713 voting interests. If the condominium association is a
714 residential association proposed for termination pursuant to
715 this section and, at the time of recording the plan of
716 termination, at least 80 percent of the total voting interests
717 are owned by a bulk owner, the plan of termination is subject to
718 the following conditions and limitations:

719 1. If the former condominium units are offered for lease to
720 the public after the termination, each unit owner in occupancy
721 immediately before the date of recording of the plan of
722 termination may lease his or her former unit and remain in
723 possession of the unit for 12 months after the effective date of
724 the termination on the same terms as similar unit types within
725 the property are being offered to the public. In order to obtain

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726 a lease and exercise the right to retain exclusive possession of
727 the unit owner's former unit, the unit owner must make a written
728 request to the termination trustee to rent the former unit
729 within 90 days after the date the plan of termination is
730 recorded. Any unit owner who fails to timely make such written
731 request and sign a lease within 15 days after being presented
732 with a lease is deemed to have waived his or her right to retain
733 possession of his or her former unit and shall be required to
734 vacate the former unit upon the effective date of the
735 termination, unless otherwise provided in the plan of
736 termination.

737 2. Any former unit owner whose unit was granted homestead
738 exemption status by the applicable county property appraiser as
739 of the date of the recording of the plan of termination shall be
740 paid a relocation payment in an amount equal to 1 percent of the
741 termination proceeds allocated to the owner's former unit. Any
742 relocation payment payable under this subparagraph shall be paid
743 by the single entity or related entities owning at least 80
744 percent of the total voting interests. Such relocation payment
745 shall be in addition to the termination proceeds for such
746 owner's former unit and shall be paid no later than 10 days
747 after the former unit owner vacates his or her former unit.

748 3. For their respective units, all unit owners other than
749 the bulk owner must be compensated at least 100 percent of the
750 fair market value of their units. The fair market value shall be
751 determined as of a date that is no earlier than 90 days before
752 the date that the plan of termination is recorded and shall be
753 determined by an independent appraiser selected by the
754 termination trustee. For a person ~~an original purchaser from the~~

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755 ~~developer who rejects the plan of termination and~~ whose unit was
756 granted homestead exemption status by the applicable county
757 property appraiser, or was an owner-occupied operating business,
758 as of the date that the plan of termination is recorded and who
759 is current in payment of both assessments and other monetary
760 obligations to the association ~~and any mortgage encumbering the~~
761 ~~unit~~ as of the date the plan of termination is recorded, the
762 fair market value for the unit owner rejecting the plan shall be
763 at least the original purchase price paid for the unit. For
764 purposes of this subparagraph, the term "fair market value"
765 means the price of a unit that a seller is willing to accept and
766 a buyer is willing to pay on the open market in an arms-length
767 transaction based on similar units sold in other condominiums,
768 including units sold in bulk purchases but excluding units sold
769 at wholesale or distressed prices. The purchase price of units
770 acquired in bulk following a bankruptcy or foreclosure shall not
771 be considered for purposes of determining fair market value.

772 4. The plan of termination must provide for payment of a
773 first mortgage encumbering a unit to the extent necessary to
774 satisfy the lien, but the payment may not exceed the unit's
775 share of the proceeds of termination under the plan. If the unit
776 owner is current in payment of both assessments and other
777 monetary obligations to the association and any mortgage
778 encumbering the unit as of the date the plan of termination is
779 recorded, the receipt by the holder of the unit's share of the
780 proceeds of termination under the plan or the outstanding
781 balance of the mortgage, whichever is less, shall be deemed to
782 have satisfied the first mortgage in full.

783 5. Before a plan of termination is presented to the unit

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784 owners for consideration pursuant to this paragraph, the plan
785 must include the following written disclosures in a sworn
786 statement:

787 a. The identity of any person or entity that owns or
788 controls 25 ~~50~~ percent or more of the units in the condominium
789 and, if the units are owned by an artificial entity or entities,
790 a disclosure of the natural person or persons who, directly or
791 indirectly, manage or control the entity or entities and the
792 natural person or persons who, directly or indirectly, own or
793 control 10 ~~20~~ percent or more of the artificial entity or
794 entities that constitute the bulk owner.

795 b. The units acquired by any bulk owner, the date each unit
796 was acquired, and the total amount of compensation paid to each
797 prior unit owner by the bulk owner, regardless of whether
798 attributed to the purchase price of the unit.

799 c. The relationship of any board member to the bulk owner
800 or any person or entity affiliated with the bulk owner subject
801 to disclosure pursuant to this subparagraph.

802 d. The factual circumstances that show that the plan
803 complies with the requirements of this section and that the plan
804 supports the expressed public policies of this section.

805 (d) If the members of the board of administration are
806 elected by the bulk owner, unit owners other than the bulk owner
807 may elect at least one-third of the members of the board of
808 administration before the approval of any plan of termination.

809 Section 6. The amendments made by Section 5 of this act are
810 intended to clarify existing law, are remedial in nature and
811 intended to address the rights and liabilities of the affected
812 parties, and apply to all condominiums created under the

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813 Condominium Act.

814 Section 7. Paragraphs (a) and (b) of subsection (2) and
815 paragraphs (b) and (c) of subsection (4) of section 719.104,
816 Florida Statutes, are amended to read:

817 719.104 Cooperatives; access to units; records; financial
818 reports; assessments; purchase of leases.—

819 (2) OFFICIAL RECORDS.—

820 (a) From the inception of the association, the association
821 shall maintain a copy of each of the following, where
822 applicable, which shall constitute the official records of the
823 association:

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

826 2. A photocopy of the cooperative documents.

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

828 4. A book or books containing the minutes of all meetings
829 of the association, of the board of directors, and of the unit
830 owners, which minutes shall be retained for a period of not less
831 than 7 years.

832 5. A current roster of all unit owners and their mailing
833 addresses, unit identifications, voting certifications, and, if
834 known, telephone numbers. The association shall also maintain
835 the electronic mailing addresses and the numbers designated by
836 unit owners for receiving notice sent by electronic transmission
837 of those unit owners consenting to receive notice by electronic
838 transmission. The electronic mailing addresses and numbers
839 provided by unit owners to receive notice by electronic
840 transmission shall be removed from association records when
841 consent to receive notice by electronic transmission is revoked.

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842 However, the association is not liable for an erroneous
843 disclosure of the electronic mail address or the number for
844 receiving electronic transmission of notices.

845 6. All current insurance policies of the association.

846 7. A current copy of any management agreement, lease, or
847 other contract to which the association is a party or under
848 which the association or the unit owners have an obligation or
849 responsibility.

850 8. Bills of sale or transfer for all property owned by the
851 association.

852 9. Accounting records for the association and separate
853 accounting records for each unit it operates, according to good
854 accounting practices. All accounting records shall be maintained
855 for a period of not less than 7 years. The accounting records
856 shall include, but not be limited to:

857 a. Accurate, itemized, and detailed records of all receipts
858 and expenditures.

859 b. A current account and a monthly, bimonthly, or quarterly
860 statement of the account for each unit designating the name of
861 the unit owner, the due date and amount of each assessment, the
862 amount paid upon the account, and the balance due.

863 c. All audits, reviews, accounting statements, and
864 financial reports of the association.

865 d. All contracts for work to be performed. Bids for work to
866 be performed shall also be considered official records and shall
867 be maintained for a period of 1 year.

868 10. Ballots, sign-in sheets, voting proxies, and all other
869 papers and electronic records relating to voting by unit owners,
870 which shall be maintained for a period of 1 year after the date

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871 of the election, vote, or meeting to which the document relates.

872 11. All rental records where the association is acting as
873 agent for the rental of units.

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

876 13. All other written records of the association not
877 specifically included in the foregoing which are related to the
878 operation of the association.

879 (b) The official records of the association must be
880 maintained within the state for at least 7 years. The records of
881 the association shall be made available to a unit owner within
882 45 miles of the cooperative property or within the county in
883 which the cooperative property is located within 10 ~~5~~ working
884 days after receipt of written request by the board or its
885 designee. This paragraph may be complied with by having a copy
886 of the official records of the association available for
887 inspection or copying on the cooperative property or the
888 association may offer the option of making the records available
889 to a unit owner electronically via the Internet or by allowing
890 the records to be viewed in an electronic format on a computer
891 screen and printed upon request. The association is not
892 responsible for the use or misuse of the information provided to
893 an association member or his or her authorized representative
894 pursuant to the compliance requirements of this chapter unless
895 the association has an affirmative duty not to disclose such
896 information pursuant to this chapter.

897 (4) FINANCIAL REPORT.—

898 (b) Except as provided in paragraph (c), an association
899 whose total annual revenues meet the criteria of this paragraph

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900 shall prepare or cause to be prepared a complete set of
901 financial statements according to the generally accepted
902 accounting principles adopted by the Board of Accountancy. The
903 financial statements shall be as follows:

904 1. An association with total annual revenues between
905 \$150,000 and \$299,999 shall prepare a compiled financial
906 statement.

907 2. An association with total annual revenues between
908 \$300,000 and \$499,999 shall prepare a reviewed financial
909 statement.

910 3. An association with total annual revenues of \$500,000 or
911 more shall prepare an audited financial statement.

912 4. The requirement to have the financial statement
913 compiled, reviewed, or audited does not apply to an association
914 if a majority of the voting interests of the association present
915 at a duly called meeting of the association have voted to waive
916 this requirement for the fiscal year. In an association in which
917 turnover of control by the developer has not occurred, the
918 developer may vote to waive the audit requirement for the first
919 2 years of operation of the association, after which time waiver
920 of an applicable audit requirement shall be by a majority of
921 voting interests other than the developer. The meeting shall be
922 held prior to the end of the fiscal year, and the waiver shall
923 be effective for only one fiscal year. ~~An association may not
924 waive the financial reporting requirements of this section for
925 more than 3 consecutive years.~~

926 (c)1. An association with total annual revenues of less
927 than \$150,000 shall prepare a report of cash receipts and
928 expenditures.

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929 ~~2. An association in a community of fewer than 50 units,~~
930 ~~regardless of the association's annual revenues, shall prepare a~~
931 ~~report of cash receipts and expenditures in lieu of the~~
932 ~~financial statements required by paragraph (b), unless the~~
933 ~~declaration or other recorded governing documents provide~~
934 ~~otherwise.~~

935 2.3. A report of cash receipts and expenditures must
936 disclose the amount of receipts by accounts and receipt
937 classifications and the amount of expenses by accounts and
938 expense classifications, including the following, as applicable:
939 costs for security, professional, and management fees and
940 expenses; taxes; costs for recreation facilities; expenses for
941 refuse collection and utility services; expenses for lawn care;
942 costs for building maintenance and repair; insurance costs;
943 administration and salary expenses; and reserves, if maintained
944 by the association.

945 Section 8. Subsection (5) of section 719.1055, Florida
946 Statutes, is amended to read:

947 719.1055 Amendment of cooperative documents; alteration and
948 acquisition of property.—

949 (5) The bylaws must include a provision whereby a
950 certificate of compliance from a licensed electrical contractor
951 or electrician may be accepted by the association's board as
952 evidence of compliance ~~of the cooperative units~~ with the
953 applicable fire and life safety code.

954 (a)1. Notwithstanding chapter 633, s. 509.215, s.
955 553.895(1), or any other code, statute, ordinance,
956 administrative rule, or regulation, or any interpretation of the
957 foregoing, an association ~~a cooperative~~ or unit owner is not

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958 obligated to retrofit the common elements or units of a
959 residential cooperative with a fire sprinkler system or other
960 engineered lifesafety system in a building that is 75 feet or
961 less in height. There is no obligation to retrofit for a
962 building greater than 75 feet in height, calculated from the
963 lowest level of fire department vehicle access to the floor of
964 the highest occupiable story has been certified for occupancy by
965 the applicable governmental entity if the unit owners have voted
966 to forego such retrofitting by the affirmative vote of two-
967 thirds a majority of all voting interests in the affected
968 cooperative. There is no requirement that owners in cooperatives
969 of 75 feet or less conduct an opt-out vote and such cooperatives
970 are exempt from fire sprinkler or other engineered lifesafety
971 retrofitting. The preceding sentence is intended to clarify
972 existing law. The local authority having jurisdiction may not
973 require completion of retrofitting with a fire sprinkler system
974 or other engineered lifesafety system before January 1, 2022 ~~the~~
975 ~~end of 2019~~. By December 31, 2018 ~~2016~~, a cooperative that is
976 not in compliance with the requirements for a fire sprinkler
977 system or other engineered lifesafety system and has not voted
978 to forego retrofitting of such a system must initiate an
979 application for a building permit for the required installation
980 with the local government having jurisdiction demonstrating that
981 the cooperative will become compliant by December 31, 2021 ~~2019~~.

982 2. A vote to forego required retrofitting may be obtained
983 by limited proxy or by a ballot personally cast at a duly called
984 membership meeting, or by execution of a written consent by the
985 member, or by electronic voting, and is effective upon recording
986 a certificate executed by an officer or agent of the association

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987 attesting to such vote in the public records of the county where
988 the cooperative is located. When the opt-out vote is to be
989 conducted at a meeting, the cooperative shall mail or ~~hand~~
990 deliver to each unit owner, at each physical and electronic
991 address of record, written notice at least 14 days before the
992 membership meeting in which the vote to forego retrofitting of
993 the required fire sprinkler system or other engineered
994 lifesafety system is to take place. Within 30 days after the
995 cooperative's opt-out vote, notice of the results of the opt-out
996 vote must be mailed or ~~hand~~ delivered to all unit owners at each
997 physical and electronic address of record. Evidence of
998 compliance with this notice requirement must be made by
999 affidavit executed by the person providing the notice and filed
1000 among the official records of the cooperative. Failure to
1001 provide timely notice to unit owners does not invalidate an
1002 otherwise valid opt-out vote if notice of the results is
1003 provided to the owners. After notice is provided to each owner,
1004 a copy must be provided by the current owner to a new owner
1005 before closing and by a unit owner to a renter before signing a
1006 lease.

1007 (b) If there has been a previous vote to forego
1008 retrofitting, a vote to require retrofitting may be obtained at
1009 a special meeting of the unit owners called by a petition of
1010 least 10 percent of the voting interests or by a majority of the
1011 board of directors. The vote to require retrofitting requires a
1012 two-thirds vote of the total voting interest. ~~Such vote may only~~
1013 ~~be called once every 3 years.~~ Notice must be provided as
1014 required for any regularly called meeting of the unit owners,
1015 and the notice must state the purpose of the meeting. ~~Electronic~~

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1016 ~~transmission may not be used to provide notice of a meeting~~
1017 ~~called in whole or in part for this purpose.~~

1018 (c) As part of the information collected annually from
1019 cooperatives, the division shall require associations to report
1020 the membership vote and recording of a certificate under this
1021 subsection and, if retrofitting has been undertaken, the per-
1022 unit cost of such work. The division shall annually report to
1023 the Division of State Fire Marshal of the Department of
1024 Financial Services the number of cooperatives that have elected
1025 to forego retrofitting. Compliance with this administrative
1026 reporting requirement does not affect the validity of an opt-out
1027 vote.

1028 Section 9. Paragraphs (a) and (c) of subsection (1) of
1029 section 719.106, Florida Statutes, are amended, and paragraph
1030 (m) is added to that subsection, to read:

1031 719.106 Bylaws; cooperative ownership.—

1032 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1033 documents shall provide for the following, and if they do not,
1034 they shall be deemed to include the following:

1035 (a) *Administration.*—

1036 1. The form of administration of the association shall be
1037 described, indicating the titles of the officers and board of
1038 administration and specifying the powers, duties, manner of
1039 selection and removal, and compensation, if any, of officers and
1040 board members. In the absence of such a provision, the board of
1041 administration shall be composed of five members, except in the
1042 case of cooperatives having five or fewer units, in which case
1043 in not-for-profit corporations, the board shall consist of not
1044 fewer than three members. In a residential cooperative

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1045 association of more than 10 units, co-owners of a unit may not
1046 serve as members of the board of directors at the same time
1047 unless the co-owners own more than one unit or unless there are
1048 not enough eligible candidates to fill the vacancies on the
1049 board at the time of the vacancy. In the absence of provisions
1050 to the contrary, the board of administration shall have a
1051 president, a secretary, and a treasurer, who shall perform the
1052 duties of those offices customarily performed by officers of
1053 corporations. Unless prohibited in the bylaws, the board of
1054 administration may appoint other officers and grant them those
1055 duties it deems appropriate. Unless otherwise provided in the
1056 bylaws, the officers shall serve without compensation and at the
1057 pleasure of the board. Unless otherwise provided in the bylaws,
1058 the members of the board shall serve without compensation.

1059 2. A person who has been suspended or removed by the
1060 division under this chapter, or who is delinquent in the payment
1061 of any monetary obligation due to the association, is not
1062 eligible to be a candidate for board membership and may not be
1063 listed on the ballot. A director or officer charged by
1064 information or indictment with a felony theft or embezzlement
1065 offense involving the association's funds or property is
1066 suspended from office. The board shall fill the vacancy
1067 according to general law until the end of the period of the
1068 suspension or the end of the director's term of office,
1069 whichever occurs first. However, if the charges are resolved
1070 without a finding of guilt or without acceptance of a plea of
1071 guilty or nolo contendere, the director or officer shall be
1072 reinstated for any remainder of his or her term of office. A
1073 member who has such criminal charges pending may not be

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1074 appointed or elected to a position as a director or officer. A
1075 person who has been convicted of any felony in this state or in
1076 any United States District Court, or who has been convicted of
1077 any offense in another jurisdiction which would be considered a
1078 felony if committed in this state, is not eligible for board
1079 membership unless such felon's civil rights have been restored
1080 for at least 5 years as of the date such person seeks election
1081 to the board. The validity of an action by the board is not
1082 affected if it is later determined that a board member is
1083 ineligible for board membership due to having been convicted of
1084 a felony.

1085 3. When a unit owner files a written inquiry by certified
1086 mail with the board of administration, the board shall respond
1087 in writing to the unit owner within 30 days of receipt of the
1088 inquiry. The board's response shall either give a substantive
1089 response to the inquirer, notify the inquirer that a legal
1090 opinion has been requested, or notify the inquirer that advice
1091 has been requested from the division. If the board requests
1092 advice from the division, the board shall, within 10 days of its
1093 receipt of the advice, provide in writing a substantive response
1094 to the inquirer. If a legal opinion is requested, the board
1095 shall, within 60 days after the receipt of the inquiry, provide
1096 in writing a substantive response to the inquirer. The failure
1097 to provide a substantive response to the inquirer as provided
1098 herein precludes the board from recovering attorney's fees and
1099 costs in any subsequent litigation, administrative proceeding,
1100 or arbitration arising out of the inquiry. The association may,
1101 through its board of administration, adopt reasonable rules and
1102 regulations regarding the frequency and manner of responding to

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1103 the unit owners' inquiries, one of which may be that the
1104 association is obligated to respond to only one written inquiry
1105 per unit in any given 30-day period. In such case, any
1106 additional inquiry or inquiries must be responded to in the
1107 subsequent 30-day period, or periods, as applicable.

1108 (c) *Board of administration meetings.*—Members of the board
1109 of administration may use e-mail as a means of communication but
1110 may not cast a vote on an association matter via e-mail.

1111 Meetings of the board of administration at which a quorum of the
1112 members is present shall be open to all unit owners. Any unit
1113 owner may tape record or videotape meetings of the board of
1114 administration. The right to attend such meetings includes the
1115 right to speak at such meetings with reference to all designated
1116 agenda items. The division shall adopt reasonable rules
1117 governing the tape recording and videotaping of the meeting. The
1118 association may adopt reasonable written rules governing the
1119 frequency, duration, and manner of unit owner statements.

1120 Adequate notice of all meetings shall be posted in a conspicuous
1121 place upon the cooperative property at least 48 continuous hours
1122 preceding the meeting, except in an emergency. Any item not
1123 included on the notice may be taken up on an emergency basis by
1124 at least a majority plus one of the members of the board. Such
1125 emergency action shall be noticed and ratified at the next
1126 regular meeting of the board. Notice of any meeting in which
1127 regular or special assessments against unit owners are to be
1128 considered must specifically state that assessments will be
1129 considered and provide the estimated amount and description of
1130 the purposes for such assessments. ~~However,~~ Written notice of
1131 any meeting at which nonemergency special assessments, or at

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1132 which amendment to rules regarding unit use, will be considered
1133 shall be mailed, delivered, or electronically transmitted to the
1134 unit owners and posted conspicuously on the cooperative property
1135 not less than 14 days before the meeting. Evidence of compliance
1136 with this 14-day notice shall be made by an affidavit executed
1137 by the person providing the notice and filed among the official
1138 records of the association. Upon notice to the unit owners, the
1139 board shall by duly adopted rule designate a specific location
1140 on the cooperative property upon which all notices of board
1141 meetings shall be posted. In lieu of or in addition to the
1142 physical posting of notice of any meeting of the board of
1143 administration on the cooperative property, the association may,
1144 by reasonable rule, adopt a procedure for conspicuously posting
1145 and repeatedly broadcasting the notice and the agenda on a
1146 closed-circuit cable television system serving the cooperative
1147 association. However, if broadcast notice is used in lieu of a
1148 notice posted physically on the cooperative property, the notice
1149 and agenda must be broadcast at least four times every broadcast
1150 hour of each day that a posted notice is otherwise required
1151 under this section. When broadcast notice is provided, the
1152 notice and agenda must be broadcast in a manner and for a
1153 sufficient continuous length of time so as to allow an average
1154 reader to observe the notice and read and comprehend the entire
1155 content of the notice and the agenda. In addition to any of the
1156 authorized means of providing notice of a meeting of the board,
1157 the association may adopt by rule a procedure for conspicuously
1158 posting the meeting notice and the agenda on a website serving
1159 the cooperative association for at least the minimum period of
1160 time for which a notice of a meeting is also required to be

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1161 physically posted on the cooperative property. Any rule adopted
1162 shall, in addition to other matters, include a requirement that
1163 the association send an electronic notice providing a hypertext
1164 link to the website where the notice is posted. ~~Notice of any~~
1165 ~~meeting in which regular assessments against unit owners are to~~
1166 ~~be considered for any reason shall specifically contain a~~
1167 ~~statement that assessments will be considered and the nature of~~
1168 ~~any such assessments.~~ Meetings of a committee to take final
1169 action on behalf of the board or to make recommendations to the
1170 board regarding the association budget are subject to the
1171 provisions of this paragraph. Meetings of a committee that does
1172 not take final action on behalf of the board or make
1173 recommendations to the board regarding the association budget
1174 are subject to the provisions of this section, unless those
1175 meetings are exempted from this section by the bylaws of the
1176 association. Notwithstanding any other law to the contrary, the
1177 requirement that board meetings and committee meetings be open
1178 to the unit owners does not apply to board or committee meetings
1179 held for the purpose of discussing personnel matters or meetings
1180 between the board or a committee and the association's attorney,
1181 with respect to proposed or pending litigation, if the meeting
1182 is held for the purpose of seeking or rendering legal advice.

1183 (m) Director or officer delinquencies.—A director or
1184 officer more than 90 days delinquent in the payment of any
1185 monetary obligation due the association shall be deemed to have
1186 abandoned the office, creating a vacancy in the office to be
1187 filled according to law.

1188 Section 10. Paragraph (b) of subsection (1) of section
1189 719.107, Florida Statutes, is amended to read:

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1190 719.107 Common expenses; assessment.-

1191 (1)

1192 (b) If so provided in the bylaws, the cost of
1193 communications services as defined in chapter 202, information
1194 services, or Internet services ~~a master antenna television~~
1195 ~~system or duly franchised cable television service~~ obtained
1196 pursuant to a bulk contract shall be deemed a common expense,
1197 and if not obtained pursuant to a bulk contract, such cost shall
1198 be considered common expense if it is designated as such in a
1199 written contract between the board of administration and the
1200 company providing the communications services as defined in
1201 chapter 202, information services, or Internet services ~~master~~
1202 ~~television antenna system or the cable television service~~. The
1203 contract shall be for a term of not less than 2 years.

1204 1. Any contract made by the board after April 2, 1992, for
1205 a community antenna system or duly franchised cable television
1206 service, communications services as defined in chapter 202,
1207 information services, or Internet services may be canceled by a
1208 majority of the voting interests present at the next regular or
1209 special meeting of the association. Any member may make a motion
1210 to cancel the contract, but if no motion is made or if such
1211 motion fails to obtain the required majority at the next regular
1212 or special meeting, whichever is sooner, following the making of
1213 the contract, then such contract shall be deemed ratified for
1214 the term therein expressed.

1215 2. Any such contract shall provide, and shall be deemed to
1216 provide if not expressly set forth, that any hearing impaired or
1217 legally blind unit owner who does not occupy the unit with a
1218 nonhearing impaired or sighted person may discontinue the

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1219 service without incurring disconnect fees, penalties, or
1220 subsequent service charges, and as to such units, the owners
1221 shall not be required to pay any common expenses charge related
1222 to such service. If less than all members of an association
1223 share the expenses of cable television, the expense shall be
1224 shared equally by all participating unit owners. The association
1225 may use the provisions of s. 719.108 to enforce payment of the
1226 shares of such costs by the unit owners receiving cable
1227 television.

1228 Section 11. Paragraphs (a) and (c) of subsection (2) of
1229 section 720.303, Florida Statutes, are amended to read:

1230 720.303 Association powers and duties; meetings of board;
1231 official records; budgets; budget meetings; financial reporting;
1232 association funds; recalls.-

1233 (2) BOARD MEETINGS.-

1234 (a) Members of the board of administration may use e-mail
1235 as a means of communication, but may not cast a vote on an
1236 association matter via e-mail. A meeting of the board of
1237 directors of an association occurs whenever a quorum of the
1238 board gathers to conduct association business. Meetings of the
1239 board must be open to all members, except for meetings between
1240 the board and its attorney with respect to proposed or pending
1241 litigation where the contents of the discussion would otherwise
1242 be governed by the attorney-client privilege. A meeting of the
1243 board must be held at a location that is accessible to a
1244 physically handicapped person if requested by a physically
1245 handicapped person who has a right to attend the meeting. The
1246 provisions of this subsection shall also apply to the meetings
1247 of any committee or other similar body when a final decision

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1248 will be made regarding the expenditure of association funds and
1249 to meetings of any body vested with the power to approve or
1250 disapprove architectural decisions with respect to a specific
1251 parcel of residential property owned by a member of the
1252 community.

1253 (c) The bylaws shall provide the following for giving
1254 notice to parcel owners and members of all board meetings and,
1255 if they do not do so, shall be deemed to include ~~provide~~ the
1256 following:

1257 1. Notices of all board meetings must be posted in a
1258 conspicuous place in the community at least 48 hours in advance
1259 of a meeting, except in an emergency. In the alternative, if
1260 notice is not posted in a conspicuous place in the community,
1261 notice of each board meeting must be mailed or delivered to each
1262 member at least 7 days before the meeting, except in an
1263 emergency. Notwithstanding this general notice requirement, for
1264 communities with more than 100 members, the association bylaws
1265 may provide for a reasonable alternative to posting or mailing
1266 of notice for each board meeting, including publication of
1267 notice, provision of a schedule of board meetings, or the
1268 conspicuous posting and repeated broadcasting of the notice on a
1269 closed-circuit cable television system serving the homeowners'
1270 association. However, if broadcast notice is used in lieu of a
1271 notice posted physically in the community, the notice must be
1272 broadcast at least four times every broadcast hour of each day
1273 that a posted notice is otherwise required. When broadcast
1274 notice is provided, the notice and agenda must be broadcast in a
1275 manner and for a sufficient continuous length of time so as to
1276 allow an average reader to observe the notice and read and

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1277 comprehend the entire content of the notice and the agenda. The
1278 association may provide notice by electronic transmission in a
1279 manner authorized by law for meetings of the board of directors,
1280 committee meetings requiring notice under this section, and
1281 annual and special meetings of the members to any member who has
1282 provided a facsimile number or e-mail address to the association
1283 to be used for such purposes; however, a member must consent in
1284 writing to receiving notice by electronic transmission.

1285 2. An assessment may not be levied at a board meeting
1286 unless the notice of the meeting includes a statement that
1287 assessments will be considered and the nature of the
1288 assessments. Written notice of any meeting at which special
1289 assessments will be considered or at which amendments to rules
1290 regarding parcel use will be considered must be mailed,
1291 delivered, or electronically transmitted to the members and
1292 parcel owners and posted conspicuously on the property or
1293 broadcast on closed-circuit cable television not less than 14
1294 days before the meeting.

1295 3. Directors may not vote by proxy or by secret ballot at
1296 board meetings, except that secret ballots may be used in the
1297 election of officers. This subsection also applies to the
1298 meetings of any committee or other similar body, when a final
1299 decision will be made regarding the expenditure of association
1300 funds, and to any body vested with the power to approve or
1301 disapprove architectural decisions with respect to a specific
1302 parcel of residential property owned by a member of the
1303 community.

1304 Section 12. This act shall take effect July 1, 2017.