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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2018	.	
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The Committee on Regulated Industries (Passidomo) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 108 - 619

and insert:

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

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

2. A photocopy of the recorded declaration of condominium



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11 of each condominium operated by the association and each
12 amendment to each declaration.

13 3. A photocopy of the recorded bylaws of the association
14 and each amendment to the bylaws.

15 4. A certified copy of the articles of incorporation of the
16 association, or other documents creating the association, and
17 each amendment thereto.

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

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

22 7. A current roster of all unit owners and their mailing
23 addresses, unit identifications, voting certifications, and, if
24 known, telephone numbers. The association shall also maintain
25 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
26 unit owners consenting to receive notice by electronic
27 transmission. The e-mail ~~electronic mailing~~ addresses and
28 facsimile numbers are not accessible to unit owners if consent
29 to receive notice by electronic transmission is not provided in
30 accordance with sub-subparagraph (c)3.e. However, the
31 association is not liable for an inadvertent disclosure of the
32 e-mail ~~electronic mail~~ address or facsimile number for receiving
33 electronic transmission of notices.

34 8. All current insurance policies of the association and
35 condominiums operated by the association.

36 9. A current copy of any management agreement, lease, or
37 other contract to which the association is a party or under
38 which the association or the unit owners have an obligation or
39 responsibility.



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40 10. Bills of sale or transfer for all property owned by the
41 association.

42 11. Accounting records for the association and separate
43 accounting records for each condominium that the association
44 operates. ~~All accounting records must be maintained for at least~~
45 ~~7 years.~~ Any person who knowingly or intentionally defaces or
46 destroys such records, or who knowingly or intentionally fails
47 to create or maintain such records, with the intent of causing
48 harm to the association or one or more of its members, is
49 personally subject to a civil penalty pursuant to s.

50 718.501(1)(d). The accounting records must include, but are not
51 limited to:

52 a. Accurate, itemized, and detailed records of all receipts
53 and expenditures.

54 b. A current account and a monthly, bimonthly, or quarterly
55 statement of the account for each unit designating the name of
56 the unit owner, the due date and amount of each assessment, the
57 amount paid on the account, and the balance due.

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

60 d. All contracts for work to be performed. Bids for work to
61 be performed are also considered official records and must be
62 maintained by the association for a period of 1 year after the
63 date of receipt.

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



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

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

73 15. All other written records of the association not
74 specifically included in the foregoing which are related to the
75 operation of the association.

76 16. A copy of the inspection report as described in s.
77 718.301(4) (p).

78 17. Bids for materials, equipment, or services, which must
79 be maintained by the association for a period of 1 year after
80 the date of receipt.

81 (b) The official records specified in subparagraphs (a)1.-
82 6. must be permanently maintained from the inception of the
83 association. All other official records ~~of the association~~ must
84 be maintained within the state for at least 7 years, unless
85 otherwise provided by law. The records of the association shall
86 be made available to a unit owner within 45 miles of the
87 condominium property or within the county in which the
88 condominium property is located within 10 ~~5~~ working days after
89 receipt of a written request by the board or its designee.
90 However, such distance requirement does not apply to an
91 association governing a timeshare condominium. This paragraph
92 may be complied with by having a copy of the official records of
93 the association available for inspection or copying on the
94 condominium property or association property, or the association
95 may offer the option of making the records available to a unit
96 owner electronically via the Internet or by allowing the records
97 to be viewed in electronic format on a computer screen and



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98 printed upon request. The association is not responsible for the
99 use or misuse of the information provided to an association
100 member or his or her authorized representative pursuant to the
101 compliance requirements of this chapter unless the association
102 has an affirmative duty not to disclose such information
103 pursuant to this chapter.

104 (c)1. The official records of the association are open to
105 inspection by any association member or the authorized
106 representative of such member at all reasonable times. The right
107 to inspect the records includes the right to make or obtain
108 copies, at the reasonable expense, if any, of the member or
109 authorized representative of such member. A renter of a unit has
110 a right to inspect and copy the association's bylaws and rules.
111 The association may adopt reasonable rules regarding the
112 frequency, time, location, notice, and manner of record
113 inspections and copying. The failure of an association to
114 provide the records within 10 working days after receipt of a
115 written request creates a rebuttable presumption that the
116 association willfully failed to comply with this paragraph. A
117 unit owner who is denied access to official records is entitled
118 to the actual damages or minimum damages for the association's
119 willful failure to comply. Minimum damages are \$50 per calendar
120 day for up to 10 days, beginning on the 11th working day after
121 receipt of the written request. The failure to allow ~~permit~~
122 inspection entitles any person prevailing in an enforcement
123 action to recover reasonable attorney fees from the person in
124 control of the records who, directly or indirectly, knowingly
125 denied access to the records.

126 2. Any person who knowingly or intentionally defaces or



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127 destroys accounting records that are required by this chapter to
128 be maintained during the period for which such records are
129 required to be maintained, or who knowingly or intentionally
130 fails to create or maintain accounting records that are required
131 to be created or maintained, with the intent of causing harm to
132 the association or one or more of its members, is personally
133 subject to a civil penalty pursuant to s. 718.501(1)(d).

134 3. The association shall maintain an adequate number of
135 copies of the declaration, articles of incorporation, bylaws,
136 and rules, and all amendments to each of the foregoing, as well
137 as the question and answer sheet as described in s. 718.504 and
138 year-end financial information required under this section, on
139 the condominium property to ensure their availability to unit
140 owners and prospective purchasers, and may charge its actual
141 costs for preparing and furnishing these documents to those
142 requesting the documents. An association shall allow a member or
143 his or her authorized representative to use a portable device,
144 including a smartphone, tablet, portable scanner, or any other
145 technology capable of scanning or taking photographs, to make an
146 electronic copy of the official records in lieu of the
147 association's providing the member or his or her authorized
148 representative with a copy of such records. The association may
149 not charge a member or his or her authorized representative for
150 the use of a portable device. Notwithstanding this paragraph,
151 the following records are not accessible to unit owners:

152 a. Any record protected by the lawyer-client privilege as
153 described in s. 90.502 and any record protected by the work-
154 product privilege, including a record prepared by an association
155 attorney or prepared at the attorney's express direction, which



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156 reflects a mental impression, conclusion, litigation strategy,
157 or legal theory of the attorney or the association, and which
158 was prepared exclusively for civil or criminal litigation or for
159 adversarial administrative proceedings, or which was prepared in
160 anticipation of such litigation or proceedings until the
161 conclusion of the litigation or proceedings.

162 b. Information obtained by an association in connection
163 with the approval of the lease, sale, or other transfer of a
164 unit.

165 c. Personnel records of association or management company
166 employees, including, but not limited to, disciplinary, payroll,
167 health, and insurance records. For purposes of this sub-
168 subparagraph, the term "personnel records" does not include
169 written employment agreements with an association employee or
170 management company, or budgetary or financial records that
171 indicate the compensation paid to an association employee.

172 d. Medical records of unit owners.

173 e. Social security numbers, driver license numbers, credit
174 card numbers, e-mail addresses, telephone numbers, facsimile
175 numbers, emergency contact information, addresses of a unit
176 owner other than as provided to fulfill the association's notice
177 requirements, and other personal identifying information of any
178 person, excluding the person's name, unit designation, mailing
179 address, property address, and any address, e-mail address, or
180 facsimile number provided to the association to fulfill the
181 association's notice requirements. Notwithstanding the
182 restrictions in this sub-subparagraph, an association may print
183 and distribute to parcel owners a directory containing the name,
184 parcel address, and all telephone numbers of each parcel owner.



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185 However, an owner may exclude his or her telephone numbers from
186 the directory by so requesting in writing to the association. An
187 owner may consent in writing to the disclosure of other contact
188 information described in this sub-subparagraph. The association
189 is not liable for the inadvertent disclosure of information that
190 is protected under this sub-subparagraph if the information is
191 included in an official record of the association and is
192 voluntarily provided by an owner and not requested by the
193 association.

194 f. Electronic security measures that are used by the
195 association to safeguard data, including passwords.

196 g. The software and operating system used by the
197 association which allow the manipulation of data, even if the
198 owner owns a copy of the same software used by the association.
199 The data is part of the official records of the association.

200 (e)1. The association or its authorized agent is not
201 required to provide a prospective purchaser or lienholder with
202 information about the condominium or the association other than
203 information or documents required by this chapter to be made
204 available or disclosed. The association or its authorized agent
205 may charge a reasonable fee to the prospective purchaser,
206 lienholder, or the current unit owner for providing good faith
207 responses to requests for information by or on behalf of a
208 prospective purchaser or lienholder, other than that required by
209 law, if the fee does not exceed \$150 plus the reasonable cost of
210 photocopying and any attorney ~~attorney's~~ fees incurred by the
211 association in connection with the response.

212 2. An association and its authorized agent are not liable
213 for providing such information in good faith pursuant to a



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214 written request if the person providing the information includes
215 a written statement in substantially the following form: "The
216 responses herein are made in good faith and to the best of my
217 ability as to their accuracy."

218 (g)1. By July 1, 2018, an association managing a
219 condominium with 150 or more units which does not contain manage
220 timeshare units shall post digital copies of the documents
221 specified in subparagraph 2. on its website.

222 a. The association's website must be:

223 (I) An independent website or web portal wholly owned and
224 operated by the association; or

225 (II) A website or web portal operated by a third-party
226 provider with whom the association owns, leases, rents, or
227 otherwise obtains the right to operate a web page, subpage, web
228 portal, or collection of subpages or web portals dedicated to
229 the association's activities and on which required notices,
230 records, and documents may be posted by the association.

231 b. The association's website must be accessible through the
232 Internet and must contain a subpage, web portal, or other
233 protected electronic location that is inaccessible to the
234 general public and accessible only to unit owners and employees
235 of the association.

236 c. Upon a unit owner's written request, the association
237 must provide the unit owner with a username and password and
238 access to the protected sections of the association's website
239 that contain any notices, records, or documents that must be
240 electronically provided.

241 2. A current copy of the following documents must be posted
242 in digital format on the association's website:



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243 a. The recorded declaration of condominium of each
244 condominium operated by the association and each amendment to
245 each declaration.

246 b. The recorded bylaws of the association and each
247 amendment to the bylaws.

248 c. The articles of incorporation of the association, or
249 other documents creating the association, and each amendment
250 thereto. The copy posted pursuant to this sub-subparagraph must
251 be a copy of the articles of incorporation filed with the
252 Department of State.

253 d. The rules of the association, if any.

254 e. A list of all executory contracts or documents ~~Any~~
255 ~~management agreement, lease, or other contract~~ to which the
256 association is a party or under which the association or the
257 unit owners have an obligation or responsibility and, after
258 bidding for the related materials, equipment, or services has
259 closed, a list of bids received by the association within the
260 past year. ~~Summaries of bids~~ for materials, equipment, or
261 services which exceed \$2,500 ~~must be maintained on the website~~
262 ~~for 1 year.~~

263 f. The annual budget required by s. 718.112(2) (f) and any
264 proposed budget to be considered at the annual meeting.

265 g. The financial report required by subsection (13) ~~and any~~
266 ~~proposed financial report to be considered at a meeting.~~

267 h. The certification of each director required by s.
268 718.112(2) (d)4.b.

269 i. All contracts or transactions between the association
270 and any director, officer, corporation, firm, or association
271 that is not an affiliated condominium association or any other



272 entity in which an association director is also a director or
273 officer and financially interested.

274 j. Any contract or document regarding a conflict of
275 interest or possible conflict of interest as provided in ss.
276 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

277 k. The notice of any unit owner meeting and the agenda for
278 the meeting, as required by s. 718.112(2)(d)3., no later than 14
279 days before the meeting. The notice must be posted in plain view
280 on the front page of the website, or on a separate subpage of
281 the website labeled "Notices" which is conspicuously visible and
282 linked from the front page. The association must also post on
283 its website any document to be considered and voted on by the
284 owners during the meeting or any document listed on the agenda
285 at least 7 days before the meeting at which the document or the
286 information within the document will be considered.

287 1. Notice of any board meeting, the agenda, and any other
288 document required for the meeting as required by s.
289 718.112(2)(c), which must be posted no later than the date
290 required for notice pursuant to s. 718.112(2)(c).

291 3. The association shall ensure that the information and
292 records described in paragraph (c), which are not allowed
293 ~~permitted~~ to be accessible to unit owners, are not posted on the
294 association's website. If protected information or information
295 restricted from being accessible to unit owners is included in
296 documents that are required to be posted on the association's
297 website, the association shall ensure the information is
298 redacted before posting the documents online. Notwithstanding
299 the foregoing, the association or its agent is not liable for
300 disclosing information that is protected or restricted pursuant



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301 to this paragraph unless such disclosure was made with a knowing
302 or intentional disregard of the protected or restricted nature
303 of such information.

304 4. The failure of the association to post information
305 required under subparagraph 2. is not in and of itself
306 sufficient to invalidate any action or decision of the
307 association's board or its committees.

308 (13) FINANCIAL REPORTING.—Within 90 days after the end of
309 the fiscal year, or annually on a date provided in the bylaws,
310 the association shall prepare and complete, or contract for the
311 preparation and completion of, a financial report for the
312 preceding fiscal year. Within 21 days after the final financial
313 report is completed by the association or received from the
314 third party, but not later than 120 days after the end of the
315 fiscal year or other date as provided in the bylaws, the
316 association shall mail to each unit owner at the address last
317 furnished to the association by the unit owner, or hand deliver
318 to each unit owner, a copy of the most recent financial report
319 or a notice that a copy of the most recent financial report will
320 be mailed or hand delivered to the unit owner, without charge,
321 within 5 business days after receipt of a written request from
322 the unit owner. The division shall adopt rules setting forth
323 uniform accounting principles and standards to be used by all
324 associations and addressing the financial reporting requirements
325 for multicondominium associations. The rules must include, but
326 not be limited to, standards for presenting a summary of
327 association reserves, including a good faith estimate disclosing
328 the annual amount of reserve funds that would be necessary for
329 the association to fully fund reserves for each reserve item



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330 based on the straight-line accounting method. This disclosure is
331 not applicable to reserves funded via the pooling method. In
332 adopting such rules, the division shall consider the number of
333 members and annual revenues of an association. Financial reports
334 shall be prepared as follows:

335 (e) A unit owner may provide written notice to the division
336 of the association's failure to mail or hand deliver him or her
337 a copy of the most recent financial report within 5 business
338 days after he or she submitted a written request to the
339 association for a copy of such report. If the division
340 determines that the association failed to mail or hand deliver a
341 copy of the most recent financial report to the unit owner, the
342 division shall provide written notice to the association that
343 the association must mail or hand deliver a copy of the most
344 recent financial report to the unit owner and the division
345 within 5 business days after it receives such notice from the
346 division. An association that fails to comply with the
347 division's request may not waive the financial reporting
348 requirement provided in paragraph (d) for the fiscal year in
349 which the unit owner's request was made and the following fiscal
350 year. A financial report received by the division pursuant to
351 this paragraph shall be maintained, and the division shall
352 provide a copy of such report to an association member upon his
353 or her request.

354 Section 2. Paragraphs (a), (c), (d), and (j) of subsection
355 (2) of section 718.112, Florida Statutes, are amended to read:

356 718.112 Bylaws.—

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



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359 the following:

360 (a) *Administration.*—

361 1. The form of administration of the association shall be
362 described indicating the title of the officers and board of
363 administration and specifying the powers, duties, manner of
364 selection and removal, and compensation, if any, of officers and
365 boards. In the absence of such a provision, the board of
366 administration shall be composed of five members, unless the
367 ~~except in the case of a condominium which~~ has five or fewer
368 units. The board shall consist of not fewer than three members
369 in condominiums with five or fewer units that are not-for-profit
370 ~~corporations, in which case in a not-for-profit corporation the~~
371 ~~board shall consist of not fewer than three members.~~ In the
372 absence of provisions to the contrary in the bylaws, the board
373 of administration shall have a president, a secretary, and a
374 treasurer, who shall perform the duties of such officers
375 customarily performed by officers of corporations. Unless
376 prohibited in the bylaws, the board of administration may
377 appoint other officers and grant them the duties it deems
378 appropriate. Unless otherwise provided in the bylaws, the
379 officers shall serve without compensation and at the pleasure of
380 the board of administration. Unless otherwise provided in the
381 bylaws, the members of the board shall serve without
382 compensation.

383 2. When a unit owner of a residential condominium files a
384 written inquiry by certified mail with the board of
385 administration, the board shall respond in writing to the unit
386 owner within 30 days after receipt of the inquiry. The board's
387 response shall either give a substantive response to the



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388 inquirer, notify the inquirer that a legal opinion has been
389 requested, or notify the inquirer that advice has been requested
390 from the division. If the board requests advice from the
391 division, the board shall, within 10 days after its receipt of
392 the advice, provide in writing a substantive response to the
393 inquirer. If a legal opinion is requested, the board shall,
394 within 60 days after the receipt of the inquiry, provide in
395 writing a substantive response to the inquiry. The failure to
396 provide a substantive response to the inquiry as provided herein
397 precludes the board from recovering attorney fees and costs in
398 any subsequent litigation, administrative proceeding, or
399 arbitration arising out of the inquiry. The association may
400 through its board of administration adopt reasonable rules and
401 regulations regarding the frequency and manner of responding to
402 unit owner inquiries, one of which may be that the association
403 is only obligated to respond to one written inquiry per unit in
404 any given 30-day period. In such a case, any additional inquiry
405 or inquiries must be responded to in the subsequent 30-day
406 period, or periods, as applicable.

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



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417 adopt written reasonable rules governing the frequency,
418 duration, and manner of unit owner statements.

419 1. Adequate notice of all board meetings, which must
420 specifically identify all agenda items, must be posted
421 conspicuously on the condominium property at least 48 continuous
422 hours before the meeting except in an emergency. If 20 percent
423 of the voting interests petition the board to address an item of
424 business, the board, within 60 days after receipt of the
425 petition, shall place the item on the agenda at its next regular
426 board meeting or at a special meeting called for that purpose.
427 An item not included on the notice may be taken up on an
428 emergency basis by a vote of at least a majority plus one of the
429 board members. Such emergency action must be noticed and
430 ratified at the next regular board meeting. ~~However,~~ Written
431 notice of a meeting at which a nonemergency special assessment
432 or an amendment to rules regarding unit use will be considered
433 must be mailed, delivered, or electronically transmitted to the
434 unit owners and posted conspicuously on the condominium property
435 at least 14 days before the meeting. Evidence of compliance with
436 this 14-day notice requirement must be made by an affidavit
437 executed by the person providing the notice and filed with the
438 official records of the association. Notice of any meeting in
439 which regular or special assessments against unit owners are to
440 be considered must specifically state that assessments will be
441 considered and provide the estimated cost and description of the
442 purposes for such assessments. Upon notice to the unit owners,
443 the board shall, by duly adopted rule, designate a specific
444 location on the condominium ~~or association~~ property where all
445 notices of board meetings must be posted. If there is no



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446 condominium property ~~or association property~~ where notices can
447 be posted, notices shall be mailed, delivered, or electronically
448 transmitted to each unit owner at least 14 days before the
449 meeting. In lieu of or in addition to the physical posting of
450 the notice on the condominium property, the association may, by
451 reasonable rule, adopt a procedure for conspicuously posting and
452 repeatedly broadcasting the notice and the agenda on a closed-
453 circuit cable television system serving the condominium
454 association. However, if broadcast notice is used in lieu of a
455 notice physically posted on condominium property, the notice and
456 agenda must be broadcast at least four times every broadcast
457 hour of each day that a posted notice is otherwise required
458 under this section. If broadcast notice is provided, the notice
459 and agenda must be broadcast in a manner and for a sufficient
460 continuous length of time so as to allow an average reader to
461 observe the notice and read and comprehend the entire content of
462 the notice and the agenda. In addition to any of the authorized
463 means of providing notice of a meeting of the board, the
464 association may, by rule, adopt a procedure for conspicuously
465 posting the meeting notice and the agenda on the condominium
466 association's website for at least the minimum period of time
467 for which a notice of a meeting is also required to be
468 physically posted on the condominium property. Any rule adopted,
469 in addition to other matters, must include a requirement that
470 the association send an electronic notice in the same manner as
471 a notice for a meeting of the members, which must include a
472 hyperlink to the website where the notice is posted, to unit
473 owners whose e-mail addresses are included in the association's
474 official records ~~Notice of any meeting in which regular or~~



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475 ~~special assessments against unit owners are to be considered~~
476 ~~must 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
494 personnel matters.

495 (d) *Unit owner meetings.*—

496 1. An annual meeting of the unit owners must ~~shall~~ be held
497 at the location provided in the association bylaws and, if the
498 bylaws are silent as to the location, the meeting must ~~shall~~ be
499 held within 45 miles of the condominium property. However, such
500 distance requirement does not apply to an association governing
501 a timeshare condominium.

502 2. Unless the bylaws provide otherwise, a vacancy on the
503 board caused by the expiration of a director's term must ~~shall~~



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504 be filled by electing a new board member, and the election must
505 be by secret ballot. An election is not required if the number
506 of vacancies equals or exceeds the number of candidates. For
507 purposes of this paragraph, the term "candidate" means an
508 eligible person who has timely submitted the written notice, as
509 described in sub-subparagraph 4.a., of his or her intention to
510 become a candidate. Except in a timeshare or nonresidential
511 condominium, or if the staggered term of a board member does not
512 expire until a later annual meeting, or if all members' terms
513 would otherwise expire but there are no candidates, the terms of
514 all board members expire at the annual meeting, and such members
515 may stand for reelection unless prohibited by the bylaws. Board
516 members may serve ~~2-year~~ terms longer than 1 year if allowed
517 ~~permitted~~ by the bylaws or articles of incorporation. A board
518 member may not serve more than 8 consecutive years ~~four~~
519 ~~consecutive 2-year terms~~, unless approved by an affirmative vote
520 of two-thirds of all votes cast in the election ~~the total voting~~
521 ~~interests of the association~~ or unless there are not enough
522 eligible candidates to fill the vacancies on the board at the
523 time of the vacancy. If the number of board members whose terms
524 expire at the annual meeting equals or exceeds the number of
525 candidates, the candidates become members of the board effective
526 upon the adjournment of the annual meeting. Unless the bylaws
527 provide otherwise, any remaining vacancies shall be filled by
528 the affirmative vote of the majority of the directors making up
529 the newly constituted board even if the directors constitute
530 less than a quorum or there is only one director. In a
531 residential condominium association of more than 10 units or in
532 a residential condominium association that does not include



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533 timeshare units or timeshare interests, coowners of a unit may
534 not serve as members of the board of directors at the same time
535 unless they own more than one unit or unless there are not
536 enough eligible candidates to fill the vacancies on the board at
537 the time of the vacancy. A unit owner in a residential
538 condominium desiring to be a candidate for board membership must
539 comply with sub-subparagraph 4.a. and must be eligible to be a
540 candidate to serve on the board of directors at the time of the
541 deadline for submitting a notice of intent to run in order to
542 have his or her name listed as a proper candidate on the ballot
543 or to serve on the board. A person who has been suspended or
544 removed by the division under this chapter, or who is delinquent
545 in the payment of any monetary obligation due to the
546 association, is not eligible to be a candidate for board
547 membership and may not be listed on the ballot. A person who has
548 been convicted of any felony in this state or in a United States
549 District or Territorial Court, or who has been convicted of any
550 offense in another jurisdiction which would be considered a
551 felony if committed in this state, is not eligible for board
552 membership unless such felon's civil rights have been restored
553 for at least 5 years as of the date such person seeks election
554 to the board. The validity of an action by the board is not
555 affected if it is later determined that a board member is
556 ineligible for board membership due to having been convicted of
557 a felony. This subparagraph does not limit the term of a member
558 of the board of a nonresidential or timeshare condominium.

559 3. The bylaws must provide the method of calling meetings
560 of unit owners, including annual meetings. Written notice must
561 include an agenda, must be mailed, hand delivered, or



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562 electronically transmitted to each unit owner at least 14 days
563 before the annual meeting, and must be posted in a conspicuous
564 place on the condominium property at least 14 continuous days
565 before the annual meeting. Upon notice to the unit owners, the
566 board shall, by duly adopted rule, designate a specific location
567 on the condominium property ~~or association property~~ where all
568 notices of unit owner meetings must ~~shall~~ be posted. This
569 requirement does not apply if there is no condominium property
570 ~~or association property~~ for posting notices. In lieu of, or in
571 addition to, the physical posting of meeting notices, the
572 association may, by reasonable rule, adopt a procedure for
573 conspicuously posting and repeatedly broadcasting the notice and
574 the agenda on a closed-circuit cable television system serving
575 the condominium association. However, if broadcast notice is
576 used in lieu of a notice posted physically on the condominium
577 property, the notice and agenda must be broadcast at least four
578 times every broadcast hour of each day that a posted notice is
579 otherwise required under this section. If broadcast notice is
580 provided, the notice and agenda must be broadcast in a manner
581 and for a sufficient continuous length of time so as to allow an
582 average reader to observe the notice and read and comprehend the
583 entire content of the notice and the agenda. In addition to any
584 of the authorized means of providing notice of a meeting of the
585 board, the association may, by rule, adopt a procedure for
586 conspicuously posting the meeting notice and the agenda on the
587 condominium association's website for at least the minimum
588 period of time for which a notice of a meeting is also required
589 to be physically posted on the condominium property. Any rule
590 adopted, in addition to other matters, must include a



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591 requirement that the association send an electronic notice in
592 the same manner as a notice for a meeting of the members, which
593 must include a hyperlink to the website where the notice is
594 posted, to unit owners whose e-mail addresses are included in
595 the association's official records. Unless a unit owner waives
596 in writing the right to receive notice of the annual meeting,
597 such notice must be hand delivered, mailed, or electronically
598 transmitted to each unit owner. Notice for meetings and notice
599 for all other purposes must be mailed to each unit owner at the
600 address last furnished to the association by the unit owner, or
601 hand delivered to each unit owner. However, if a unit is owned
602 by more than one person, the association must provide notice to
603 the address that the developer identifies for that purpose and
604 thereafter as one or more of the owners of the unit advise the
605 association in writing, or if no address is given or the owners
606 of the unit do not agree, to the address provided on the deed of
607 record. An officer of the association, or the manager or other
608 person providing notice of the association meeting, must provide
609 an affidavit or United States Postal Service certificate of
610 mailing, to be included in the official records of the
611 association affirming that the notice was mailed or hand
612 delivered in accordance with this provision.

613 4. The members of the board of a residential condominium
614 shall be elected by written ballot or voting machine. Proxies
615 may not be used in electing the board in general elections or
616 elections to fill vacancies caused by recall, resignation, or
617 otherwise, unless otherwise provided in this chapter. This
618 subparagraph does not apply to an association governing a
619 timeshare condominium.



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620 a. At least 60 days before a scheduled election, the
621 association shall mail, deliver, or electronically transmit, by
622 separate association mailing or included in another association
623 mailing, delivery, or transmission, including regularly
624 published newsletters, to each unit owner entitled to a vote, a
625 first notice of the date of the election. A unit owner or other
626 eligible person desiring to be a candidate for the board must
627 give written notice of his or her intent to be a candidate to
628 the association at least 40 days before a scheduled election.
629 Together with the written notice and agenda as set forth in
630 subparagraph 3., the association shall mail, deliver, or
631 electronically transmit a second notice of the election to all
632 unit owners entitled to vote, together with a ballot that lists
633 all candidates. Upon request of a candidate, an information
634 sheet, no larger than 8 1/2 inches by 11 inches, which must be
635 furnished by the candidate at least 35 days before the election,
636 must be included with the mailing, delivery, or transmission of
637 the ballot, with the costs of mailing, delivery, or electronic
638 transmission and copying to be borne by the association. The
639 association is not liable for the contents of the information
640 sheets prepared by the candidates. In order to reduce costs, the
641 association may print or duplicate the information sheets on
642 both sides of the paper. The division shall by rule establish
643 voting procedures consistent with this sub-subparagraph,
644 including rules establishing procedures for giving notice by
645 electronic transmission and rules providing for the secrecy of
646 ballots. Elections shall be decided by a plurality of ballots
647 cast. There is no quorum requirement; however, at least 20
648 percent of the eligible voters must cast a ballot in order to



649 have a valid election. A unit owner may not allow ~~permit~~ any
650 other

651
652 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

653 And the directory clause is amended as follows:

654 Delete line 74

655 and insert:

656 Section 1. Subsection (3), paragraphs (a), (b), (c), (e),
657 and (g) of

658
659 ===== T I T L E A M E N D M E N T =====

660 And the title is amended as follows:

661 Delete lines 7 - 10

662 and insert:

663 reporting requirements; revising the list of documents
664 that the association is required to post online;
665 limiting an association's liability for inadvertent
666 disclosure of protected or restricted information;
667 providing that the failure of an association to post
668 certain information is not sufficient, in and of
669 itself, to invalidate any action or decision of the
670 association; amending s. 718.112, F.S.; revising
671 provisions relating to required association bylaws;
672 authorizing an association to adopt rules for posting
673 certain notices on the association's website; revising
674 board term limits; providing