

Amendment No. 1.

1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

---

2 Committee/Subcommittee hearing bill: Careers & Competition  
3 Subcommittee

4 Representative Moraitis offered the following:

5

6 **Amendment (with title amendment)**

7 Remove everything after the enacting clause and insert:

8 Section 1. Subsection (3), paragraphs (a), (b), and (g) of  
9 subsection (12), and paragraph (e) of subsection (13) of section  
10 718.111, Florida Statutes, are amended to read:

11 718.111 The association.—

12 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,  
13 SUE, AND BE SUED; ~~CONFLICT OF INTEREST.~~—

14 ~~(a)~~ The association may contract, sue, or be sued with  
15 respect to the exercise or nonexercise of its powers. For these  
16 purposes, the powers of the association include, but are not  
17 limited to, the maintenance, management, and operation of the

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18 condominium property. After control of the association is  
19 obtained by unit owners other than the developer, the  
20 association may institute, maintain, settle, or appeal actions  
21 or hearings in its name on behalf of all unit owners concerning  
22 matters of common interest to most or all unit owners,  
23 including, but not limited to, the common elements; the roof and  
24 structural components of a building or other improvements;  
25 mechanical, electrical, and plumbing elements serving an  
26 improvement or a building; representations of the developer  
27 pertaining to any existing or proposed commonly used facilities;  
28 and protesting ad valorem taxes on commonly used facilities and  
29 on units; and may defend actions in eminent domain or bring  
30 inverse condemnation actions. If the association has the  
31 authority to maintain a class action, the association may be  
32 joined in an action as representative of that class with  
33 reference to litigation and disputes involving the matters for  
34 which the association could bring a class action. Nothing herein  
35 limits any statutory or common-law right of any individual unit  
36 owner or class of unit owners to bring any action without  
37 participation by the association which may otherwise be  
38 available.

39 ~~(b) An association may not hire an attorney who represents~~  
40 ~~the management company of the association.~~

41 (12) OFFICIAL RECORDS.-

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

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

47 2. A photocopy of the recorded declaration of condominium  
48 of each condominium operated by the association and each  
49 amendment to each declaration.

50 3. A photocopy of the recorded bylaws of the association  
51 and each amendment to the bylaws.

52 4. A certified copy of the articles of incorporation of  
53 the association, or other documents creating the association,  
54 and each amendment thereto.

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

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

60 7. A current roster of all unit owners and their mailing  
61 addresses, unit identifications, voting certifications, and, if  
62 known, telephone numbers. The association shall also maintain  
63 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of  
64 unit owners consenting to receive notice by electronic  
65 transmission. The e-mail ~~electronic mailing~~ addresses and  
66 facsimile numbers are not accessible to unit owners if consent

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67 to receive notice by electronic transmission is not provided in  
68 accordance with sub-subparagraph (c)3.e. However, the  
69 association is not liable for an inadvertent disclosure of the  
70 e-mail ~~electronic mail~~ address or facsimile number for receiving  
71 electronic transmission of notices.

72 8. All current insurance policies of the association and  
73 condominiums operated by the association.

74 9. A current copy of any management agreement, lease, or  
75 other contract to which the association is a party or under  
76 which the association or the unit owners have an obligation or  
77 responsibility.

78 10. Bills of sale or transfer for all property owned by  
79 the association.

80 11. Accounting records for the association and separate  
81 accounting records for each condominium that the association  
82 operates. ~~All accounting records must be maintained for at least~~  
83 ~~7 years.~~ Any person who knowingly or intentionally defaces or  
84 destroys such records, or who knowingly or intentionally fails  
85 to create or maintain such records, with the intent of causing  
86 harm to the association or one or more of its members, is  
87 personally subject to a civil penalty pursuant to s.

88 718.501(1)(d). The accounting records must include, but are not  
89 limited to:

90 a. Accurate, itemized, and detailed records of all  
91 receipts and expenditures.

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92           b. A current account and a monthly, bimonthly, or  
93 quarterly statement of the account for each unit designating the  
94 name of the unit owner, the due date and amount of each  
95 assessment, the amount paid on the account, and the balance due.

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

98           d. All contracts for work to be performed. Bids for work  
99 to be performed are also considered official records and must be  
100 maintained by the association.

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

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

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

110           15. All other written records of the association not  
111 specifically included in the foregoing which are related to the  
112 operation of the association.

113           16. A copy of the inspection report as described in s.  
114 718.301(4)(p).

115           17. Bids for materials, equipment, or services.

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116 (b) The official records specified in subparagraphs (a)1.-  
117 6. must be permanently maintained from the inception of the  
118 association. All other official records of the association must  
119 be maintained within the state for at least 7 years, unless  
120 otherwise provided by general law. The records of the  
121 association shall be made available to a unit owner within 45  
122 miles of the condominium property or within the county in which  
123 the condominium property is located within 10 ~~5~~ working days  
124 after receipt of a written request by the board or its designee.  
125 However, such distance requirement does not apply to an  
126 association governing a timeshare condominium. This paragraph  
127 may be complied with by having a copy of the official records of  
128 the association available for inspection or copying on the  
129 condominium property or association property, or the association  
130 may offer the option of making the records available to a unit  
131 owner electronically via the Internet or by allowing the records  
132 to be viewed in electronic format on a computer screen and  
133 printed upon request. The association is not responsible for the  
134 use or misuse of the information provided to an association  
135 member or his or her authorized representative pursuant to the  
136 compliance requirements of this chapter unless the association  
137 has an affirmative duty not to disclose such information  
138 pursuant to this chapter.

139 (g)1. By January ~~July 1, 2019 2018,~~ an association  
140 managing a condominium with 150 or more units which does not

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141 contain ~~manage~~ timeshare units shall post digital copies of the  
142 documents specified in subparagraph 2. on its website.

143 a. The association's website must be:

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

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

152 b. The association's website must be accessible through  
153 the Internet and must contain a subpage, web portal, or other  
154 protected electronic location that is inaccessible to the  
155 general public and accessible only to unit owners and employees  
156 of the association.

157 c. Upon a unit owner's written request, the association  
158 must provide the unit owner with a username and password and  
159 access to the protected sections of the association's website  
160 that contain any notices, records, or documents that must be  
161 electronically provided.

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

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- 164 a. The recorded declaration of condominium of each  
165 condominium operated by the association and each amendment to  
166 each declaration.
- 167 b. The recorded bylaws of the association and each  
168 amendment to the bylaws.
- 169 c. The articles of incorporation of the association, or  
170 other documents creating the association, and each amendment  
171 thereto. The copy posted pursuant to this sub-subparagraph must  
172 be a copy of the articles of incorporation filed with the  
173 Department of State.
- 174 d. The rules of the association.
- 175 e. Any management agreement, lease, or other contract to  
176 which the association is a party or under which the association  
177 or the unit owners have an obligation or responsibility and,  
178 after bidding for the related materials, equipment, or services  
179 has closed, a list of bids received by the association within  
180 the past year. Summaries of bids for materials, equipment, or  
181 services must be maintained on the website for 1 year. In lieu  
182 of summaries, complete copies of the bids may be posted.
- 183 f. The annual budget required by s. 718.112(2)(f) and any  
184 proposed budget to be considered at the annual meeting.
- 185 g. The financial report required by subsection (13) and  
186 any proposed financial report to be considered at a meeting.
- 187 h. The certification of each director required by s.  
188 718.112(2)(d)4.b.

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189 i. All contracts or transactions between the association  
190 and any director, officer, corporation, firm, or association  
191 that is not an affiliated condominium association or any other  
192 entity in which an association director is also a director or  
193 officer and financially interested.

194 j. Any contract or document regarding a conflict of  
195 interest or possible conflict of interest as provided in ss.  
196 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

197 k. The notice of any unit owner meeting and the agenda for  
198 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
199 days before the meeting. The notice must be posted in plain view  
200 on the front page of the website, or on a separate subpage of  
201 the website labeled "Notices" which is conspicuously visible and  
202 linked from the front page. The association must also post on  
203 its website any document to be considered and voted on by the  
204 owners during the meeting or any document listed on the agenda  
205 at least 7 days before the meeting at which the document or the  
206 information within the document will be considered.

207 l. Notice of any board meeting, the agenda, and any other  
208 document required for the meeting as required by s.  
209 718.112(2)(c), which must be posted no later than the date  
210 required for notice pursuant to s. 718.112(2)(c).

211 3. The association shall ensure that the information and  
212 records described in paragraph (c), which are not allowed  
213 ~~permitted~~ to be accessible to unit owners, are not posted on the

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214 association's website. If protected information or information  
215 restricted from being accessible to unit owners is included in  
216 documents that are required to be posted on the association's  
217 website, the association shall ensure the information is  
218 redacted before posting the documents online. Notwithstanding  
219 the foregoing, the association or its agent is not liable for  
220 disclosing information that is protected or restricted pursuant  
221 to this paragraph unless such disclosure was made with a knowing  
222 or intentional disregard of the protected or restricted nature  
223 of such information.

224 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
225 the fiscal year, or annually on a date provided in the bylaws,  
226 the association shall prepare and complete, or contract for the  
227 preparation and completion of, a financial report for the  
228 preceding fiscal year. Within 21 days after the final financial  
229 report is completed by the association or received from the  
230 third party, but not later than 120 days after the end of the  
231 fiscal year or other date as provided in the bylaws, the  
232 association shall mail to each unit owner at the address last  
233 furnished to the association by the unit owner, or hand deliver  
234 to each unit owner, a copy of the most recent financial report  
235 or a notice that a copy of the most recent financial report will  
236 be mailed or hand delivered to the unit owner, without charge,  
237 within 5 business days after receipt of a written request from  
238 the unit owner. The division shall adopt rules setting forth

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239 uniform accounting principles and standards to be used by all  
240 associations and addressing the financial reporting requirements  
241 for multicondominium associations. The rules must include, but  
242 not be limited to, standards for presenting a summary of  
243 association reserves, including a good faith estimate disclosing  
244 the annual amount of reserve funds that would be necessary for  
245 the association to fully fund reserves for each reserve item  
246 based on the straight-line accounting method. This disclosure is  
247 not applicable to reserves funded via the pooling method. In  
248 adopting such rules, the division shall consider the number of  
249 members and annual revenues of an association. Financial reports  
250 shall be prepared as follows:

251 (e) A unit owner may provide written notice to the  
252 division of the association's failure to mail or hand deliver  
253 him or her a copy of the most recent financial report within 5  
254 business days after he or she submitted a written request to the  
255 association for a copy of such report. If the division  
256 determines that the association failed to mail or hand deliver a  
257 copy of the most recent financial report to the unit owner, the  
258 division shall provide written notice to the association that  
259 the association must mail or hand deliver a copy of the most  
260 recent financial report to the unit owner and the division  
261 within 5 business days after it receives such notice from the  
262 division. An association that fails to comply with the  
263 division's request may not waive the financial reporting

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264 requirement provided in paragraph (d) for the fiscal year in  
265 which the unit owner's request was made and the following fiscal  
266 year. A financial report received by the division pursuant to  
267 this paragraph shall be maintained, and the division shall  
268 provide a copy of such report to an association member upon his  
269 or her request.

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

272 718.112 Bylaws.—

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

276 (a) Administration.—

277 1. The form of administration of the association shall be  
278 described indicating the title of the officers and board of  
279 administration and specifying the powers, duties, manner of  
280 selection and removal, and compensation, if any, of officers and  
281 boards. In the absence of such a provision, the board of  
282 administration shall be composed of five members, unless the  
283 ~~except in the case of a condominium which~~ has five or fewer  
284 units. The board shall consist of not fewer than three members  
285 in condominiums with five or fewer units that are not-for-profit  
286 corporations, ~~in which case in a not for profit corporation the~~  
287 ~~board shall consist of not fewer than three members.~~ In the  
288 absence of provisions to the contrary in the bylaws, the board

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289 of administration shall have a president, a secretary, and a  
290 treasurer, who shall perform the duties of such officers  
291 customarily performed by officers of corporations. Unless  
292 prohibited in the bylaws, the board of administration may  
293 appoint other officers and grant them the duties it deems  
294 appropriate. Unless otherwise provided in the bylaws, the  
295 officers shall serve without compensation and at the pleasure of  
296 the board of administration. Unless otherwise provided in the  
297 bylaws, the members of the board shall serve without  
298 compensation.

299 2. When a unit owner of a residential condominium files a  
300 written inquiry by certified mail with the board of  
301 administration, the board shall respond in writing to the unit  
302 owner within 30 days after receipt of the inquiry. The board's  
303 response shall either give a substantive response to the  
304 inquirer, notify the inquirer that a legal opinion has been  
305 requested, or notify the inquirer that advice has been requested  
306 from the division. If the board requests advice from the  
307 division, the board shall, within 10 days after its receipt of  
308 the advice, provide in writing a substantive response to the  
309 inquirer. If a legal opinion is requested, the board shall,  
310 within 60 days after the receipt of the inquiry, provide in  
311 writing a substantive response to the inquiry. The failure to  
312 provide a substantive response to the inquiry as provided herein  
313 precludes the board from recovering attorney fees and costs in

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314 any subsequent litigation, administrative proceeding, or  
315 arbitration arising out of the inquiry. The association may  
316 through its board of administration adopt reasonable rules and  
317 regulations regarding the frequency and manner of responding to  
318 unit owner inquiries, one of which may be that the association  
319 is only obligated to respond to one written inquiry per unit in  
320 any given 30-day period. In such a case, any additional inquiry  
321 or inquiries must be responded to in the subsequent 30-day  
322 period, or periods, as applicable.

323 (c) Board of administration meetings.—Meetings of the  
324 board of administration at which a quorum of the members is  
325 present are open to all unit owners. Members of the board of  
326 administration may use e-mail as a means of communication but  
327 may not cast a vote on an association matter via e-mail. A unit  
328 owner may tape record or videotape the meetings. The right to  
329 attend such meetings includes the right to speak at such  
330 meetings with reference to all designated agenda items. The  
331 division shall adopt reasonable rules governing the tape  
332 recording and videotaping of the meeting. The association may  
333 adopt written reasonable rules governing the frequency,  
334 duration, and manner of unit owner statements.

335 1. Adequate notice of all board meetings, which must  
336 specifically identify all agenda items, must be posted  
337 conspicuously on the condominium property at least 48 continuous  
338 hours before the meeting except in an emergency. If 20 percent

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339 of the voting interests petition the board to address an item of  
340 business, the board, within 60 days after receipt of the  
341 petition, shall place the item on the agenda at its next regular  
342 board meeting or at a special meeting called for that purpose.  
343 An item not included on the notice may be taken up on an  
344 emergency basis by a vote of at least a majority plus one of the  
345 board members. Such emergency action must be noticed and  
346 ratified at the next regular board meeting. ~~However,~~ Written  
347 notice of a meeting at which a nonemergency special assessment  
348 or an amendment to rules regarding unit use will be considered  
349 must be mailed, delivered, or electronically transmitted to the  
350 unit owners and posted conspicuously on the condominium property  
351 at least 14 days before the meeting. Evidence of compliance with  
352 this 14-day notice requirement must be made by an affidavit  
353 executed by the person providing the notice and filed with the  
354 official records of the association. Notice of any meeting in  
355 which regular or special assessments against unit owners are to  
356 be considered must specifically state that assessments will be  
357 considered and provide the estimated cost and description of the  
358 purposes for such assessments. Upon notice to the unit owners,  
359 the board shall, by duly adopted rule, designate a specific  
360 location on the condominium ~~or association~~ property where all  
361 notices of board meetings must be posted. If there is no  
362 condominium property ~~or association property~~ where notices can  
363 be posted, notices shall be mailed, delivered, or electronically

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364 transmitted to each unit owner at least 14 days before the  
365 meeting. In lieu of or in addition to the physical posting of  
366 the notice on the condominium property, the association may, by  
367 reasonable rule, adopt a procedure for conspicuously posting and  
368 repeatedly broadcasting the notice and the agenda on a closed-  
369 circuit cable television system serving the condominium  
370 association. However, if broadcast notice is used in lieu of a  
371 notice physically posted on condominium property, the notice and  
372 agenda must be broadcast at least four times every broadcast  
373 hour of each day that a posted notice is otherwise required  
374 under this section. If broadcast notice is provided, the notice  
375 and agenda must be broadcast in a manner and for a sufficient  
376 continuous length of time so as to allow an average reader to  
377 observe the notice and read and comprehend the entire content of  
378 the notice and the agenda. In addition to any of the authorized  
379 means of providing notice of a meeting of the board, the  
380 association may, by rule, adopt a procedure for conspicuously  
381 posting the meeting notice and the agenda on a website serving  
382 the condominium association for at least the minimum period of  
383 time for which a notice of a meeting is also required to be  
384 physically posted on the condominium property. Any rule adopted  
385 shall, in addition to other matters, include a requirement that  
386 the association send an electronic notice in the same manner as  
387 a notice for a meeting of the members, which must include a  
388 hyperlink to the website where the notice is posted, to unit

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389 owners whose e-mail addresses are included in the association's  
390 official records. ~~Notice of any meeting in which regular or~~  
391 ~~special assessments against unit owners are to be considered~~  
392 ~~must specifically state that assessments will be considered and~~  
393 ~~provide the nature, estimated cost, and description of the~~  
394 ~~purposes for such assessments.~~

395 2. Meetings of a committee to take final action on behalf  
396 of the board or make recommendations to the board regarding the  
397 association budget are subject to this paragraph. Meetings of a  
398 committee that does not take final action on behalf of the board  
399 or make recommendations to the board regarding the association  
400 budget are subject to this section, unless those meetings are  
401 exempted from this section by the bylaws of the association.

402 3. Notwithstanding any other law, the requirement that  
403 board meetings and committee meetings be open to the unit owners  
404 does not apply to:

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

409 b. Board meetings held for the purpose of discussing  
410 personnel matters.

411 (d) Unit owner meetings.-

412 1. An annual meeting of the unit owners must ~~shall~~ be held  
413 at the location provided in the association bylaws and, if the

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414 bylaws are silent as to the location, the meeting must ~~shall~~ be  
415 held within 45 miles of the condominium property. However, such  
416 distance requirement does not apply to an association governing  
417 a timeshare condominium.

418 2. Unless the bylaws provide otherwise, a vacancy on the  
419 board caused by the expiration of a director's term must ~~shall~~  
420 be filled by electing a new board member, and the election must  
421 be by secret ballot. An election is not required if the number  
422 of vacancies equals or exceeds the number of candidates. For  
423 purposes of this paragraph, the term "candidate" means an  
424 eligible person who has timely submitted the written notice, as  
425 described in sub-subparagraph 4.a., of his or her intention to  
426 become a candidate. Except in a timeshare or nonresidential  
427 condominium, or if the staggered term of a board member does not  
428 expire until a later annual meeting, or if all members' terms  
429 would otherwise expire but there are no candidates, the terms of  
430 all board members expire at the annual meeting, and such members  
431 may stand for reelection unless prohibited by the bylaws. Each  
432 term may not exceed 2 years, unless a shorter term is specified  
433 ~~Board members may serve 2-year terms if permitted by the bylaws~~  
434 ~~or articles of incorporation. A board member may not serve more~~  
435 ~~than four consecutive 2-year terms, unless approved by an~~  
436 ~~affirmative vote of two-thirds of the total voting interests of~~  
437 ~~the association or unless there are not enough eligible~~  
438 ~~candidates to fill the vacancies on the board at the time of the~~

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439 ~~vacancy.~~ If the number of board members whose terms expire at  
440 the annual meeting equals or exceeds the number of candidates,  
441 the candidates become members of the board effective upon the  
442 adjournment of the annual meeting. Unless the bylaws provide  
443 otherwise, any remaining vacancies shall be filled by the  
444 affirmative vote of the majority of the directors making up the  
445 newly constituted board even if the directors constitute less  
446 than a quorum or there is only one director. In a residential  
447 condominium association of more than 10 units or in a  
448 residential condominium association that does not include  
449 timeshare units or timeshare interests, coowners of a unit may  
450 not serve as members of the board of directors at the same time  
451 unless they own more than one unit or unless there are not  
452 enough eligible candidates to fill the vacancies on the board at  
453 the time of the vacancy. A unit owner in a residential  
454 condominium desiring to be a candidate for board membership must  
455 comply with sub-subparagraph 4.a. and must be eligible to be a  
456 candidate to serve on the board of directors at the time of the  
457 deadline for submitting a notice of intent to run in order to  
458 have his or her name listed as a proper candidate on the ballot  
459 or to serve on the board. A person who has been suspended or  
460 removed by the division under this chapter, or who is delinquent  
461 in the payment of any monetary obligation due to the  
462 association, is not eligible to be a candidate for board  
463 membership and may not be listed on the ballot. A person who has

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464 | been convicted of any felony in this state or in a United States  
465 | District or Territorial Court, or who has been convicted of any  
466 | offense in another jurisdiction which would be considered a  
467 | felony if committed in this state, is not eligible for board  
468 | membership unless such felon's civil rights have been restored  
469 | for at least 5 years as of the date such person seeks election  
470 | to the board. The validity of an action by the board is not  
471 | affected if it is later determined that a board member is  
472 | ineligible for board membership due to having been convicted of  
473 | a felony. This subparagraph does not limit the term of a member  
474 | of the board of a nonresidential or timeshare condominium.

475 |         3. The bylaws must provide the method of calling meetings  
476 | of unit owners, including annual meetings. Written notice must  
477 | include an agenda, must be mailed, hand delivered, or  
478 | electronically transmitted to each unit owner at least 14 days  
479 | before the annual meeting, and must be posted in a conspicuous  
480 | place on the condominium property at least 14 continuous days  
481 | before the annual meeting. Upon notice to the unit owners, the  
482 | board shall, by duly adopted rule, designate a specific location  
483 | on the condominium property ~~or association property~~ where all  
484 | notices of unit owner meetings must ~~shall~~ be posted. This  
485 | requirement does not apply if there is no condominium property  
486 | ~~or association property~~ for posting notices. In lieu of, or in  
487 | addition to, the physical posting of meeting notices, the  
488 | association may, by reasonable rule, adopt a procedure for

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489 conspicuously posting and repeatedly broadcasting the notice and  
490 the agenda on a closed-circuit cable television system serving  
491 the condominium association. However, if broadcast notice is  
492 used in lieu of a notice posted physically on the condominium  
493 property, the notice and agenda must be broadcast at least four  
494 times every broadcast hour of each day that a posted notice is  
495 otherwise required under this section. If broadcast notice is  
496 provided, the notice and agenda must be broadcast in a manner  
497 and for a sufficient continuous length of time so as to allow an  
498 average reader to observe the notice and read and comprehend the  
499 entire content of the notice and the agenda. In addition to any  
500 of the authorized means of providing notice of a meeting of the  
501 board, the association may, by rule, adopt a procedure for  
502 conspicuously posting the meeting notice and the agenda on a  
503 website serving the condominium association for at least the  
504 minimum period of time for which a notice of a meeting is also  
505 required to be physically posted on the condominium property.  
506 Any rule adopted shall, in addition to other matters, include a  
507 requirement that the association send an electronic notice in  
508 the same manner as a notice for a meeting of the members, which  
509 must include a hyperlink to the website where the notice is  
510 posted, to unit owners whose e-mail addresses are included in  
511 the association's official records. Unless a unit owner waives  
512 in writing the right to receive notice of the annual meeting,  
513 such notice must be hand delivered, mailed, or electronically

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

529 4. The members of the board of a residential condominium  
530 shall be elected by written ballot or voting machine. Proxies  
531 may not be used in electing the board in general elections or  
532 elections to fill vacancies caused by recall, resignation, or  
533 otherwise, unless otherwise provided in this chapter. This  
534 subparagraph does not apply to an association governing a  
535 timeshare condominium.

536 a. At least 60 days before a scheduled election, the  
537 association shall mail, deliver, or electronically transmit, by  
538 separate association mailing or included in another association

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539 mailing, delivery, or transmission, including regularly  
540 published newsletters, to each unit owner entitled to a vote, a  
541 first notice of the date of the election. A unit owner or other  
542 eligible person desiring to be a candidate for the board must  
543 give written notice of his or her intent to be a candidate to  
544 the association at least 40 days before a scheduled election.  
545 Together with the written notice and agenda as set forth in  
546 subparagraph 3., the association shall mail, deliver, or  
547 electronically transmit a second notice of the election to all  
548 unit owners entitled to vote, together with a ballot that lists  
549 all candidates. Upon request of a candidate, an information  
550 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
551 furnished by the candidate at least 35 days before the election,  
552 must be included with the mailing, delivery, or transmission of  
553 the ballot, with the costs of mailing, delivery, or electronic  
554 transmission and copying to be borne by the association. The  
555 association is not liable for the contents of the information  
556 sheets prepared by the candidates. In order to reduce costs, the  
557 association may print or duplicate the information sheets on  
558 both sides of the paper. The division shall by rule establish  
559 voting procedures consistent with this sub-subparagraph,  
560 including rules establishing procedures for giving notice by  
561 electronic transmission and rules providing for the secrecy of  
562 ballots. Elections shall be decided by a plurality of ballots  
563 cast. There is no quorum requirement; however, at least 20

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564 percent of the eligible voters must cast a ballot in order to  
565 have a valid election. A unit owner may not authorize ~~permit~~ any  
566 other person to vote his or her ballot, and any ballots  
567 improperly cast are invalid. A unit owner who violates this  
568 provision may be fined by the association in accordance with s.  
569 718.303. A unit owner who needs assistance in casting the ballot  
570 for the reasons stated in s. 101.051 may obtain such assistance.  
571 The regular election must occur on the date of the annual  
572 meeting. Notwithstanding this sub-subparagraph, an election is  
573 not required unless more candidates file notices of intent to  
574 run or are nominated than board vacancies exist.

575       b. Within 90 days after being elected or appointed to the  
576 board of an association of a residential condominium, each newly  
577 elected or appointed director shall certify in writing to the  
578 secretary of the association that he or she has read the  
579 association's declaration of condominium, articles of  
580 incorporation, bylaws, and current written policies; that he or  
581 she will work to uphold such documents and policies to the best  
582 of his or her ability; and that he or she will faithfully  
583 discharge his or her fiduciary responsibility to the  
584 association's members. In lieu of this written certification,  
585 within 90 days after being elected or appointed to the board,  
586 the newly elected or appointed director may submit a certificate  
587 of having satisfactorily completed the educational curriculum  
588 administered by a division-approved condominium education

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589 provider within 1 year before or 90 days after the date of  
590 election or appointment. The written certification or  
591 educational certificate is valid and does not have to be  
592 resubmitted as long as the director serves on the board without  
593 interruption. A director of an association of a residential  
594 condominium who fails to timely file the written certification  
595 or educational certificate is suspended from service on the  
596 board until he or she complies with this sub-subparagraph. The  
597 board may temporarily fill the vacancy during the period of  
598 suspension. The secretary shall cause the association to retain  
599 a director's written certification or educational certificate  
600 for inspection by the members for 5 years after a director's  
601 election or the duration of the director's uninterrupted tenure,  
602 whichever is longer. Failure to have such written certification  
603 or educational certificate on file does not affect the validity  
604 of any board action.

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

607 5. Any approval by unit owners called for by this chapter  
608 or the applicable declaration or bylaws, including, but not  
609 limited to, the approval requirement in s. 718.111(8), must be  
610 made at a duly noticed meeting of unit owners and is subject to  
611 all requirements of this chapter or the applicable condominium  
612 documents relating to unit owner decisionmaking, except that  
613 unit owners may take action by written agreement, without

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614 meetings, on matters for which action by written agreement  
615 without meetings is expressly allowed by the applicable bylaws  
616 or declaration or any law that provides for such action.

617 6. Unit owners may waive notice of specific meetings if  
618 allowed by the applicable bylaws or declaration or any law.  
619 Notice of meetings of the board of administration, unit owner  
620 meetings, except unit owner meetings called to recall board  
621 members under paragraph (j), and committee meetings may be given  
622 by electronic transmission to unit owners who consent to receive  
623 notice by electronic transmission. A unit owner who consents to  
624 receiving notices by electronic transmission is solely  
625 responsible for removing or bypassing filters that block receipt  
626 of mass emails sent to members on behalf of the association in  
627 the course of giving electronic notices.

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

632 8. A unit owner may tape record or videotape a meeting of  
633 the unit owners subject to reasonable rules adopted by the  
634 division.

635 9. Unless otherwise provided in the bylaws, any vacancy  
636 occurring on the board before the expiration of a term may be  
637 filled by the affirmative vote of the majority of the remaining  
638 directors, even if the remaining directors constitute less than

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639 a quorum, or by the sole remaining director. In the alternative,  
640 a board may hold an election to fill the vacancy, in which case  
641 the election procedures must conform to sub-subparagraph 4.a.  
642 unless the association governs 10 units or fewer and has opted  
643 out of the statutory election process, in which case the bylaws  
644 of the association control. Unless otherwise provided in the  
645 bylaws, a board member appointed or elected under this section  
646 shall fill the vacancy for the unexpired term of the seat being  
647 filled. Filling vacancies created by recall is governed by  
648 paragraph (j) and rules adopted by the division.

649 10. This chapter does not limit the use of general or  
650 limited proxies, require the use of general or limited proxies,  
651 or require the use of a written ballot or voting machine for any  
652 agenda item or election at any meeting of a timeshare  
653 condominium association or nonresidential condominium  
654 association.

655  
656 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
657 association of 10 or fewer units may, by affirmative vote of a  
658 majority of the total voting interests, provide for different  
659 voting and election procedures in its bylaws, which may be by a  
660 proxy specifically delineating the different voting and election  
661 procedures. The different voting and election procedures may  
662 provide for elections to be conducted by limited or general  
663 proxy.

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664 (j) Recall of board members.—Subject to s. 718.301, any  
665 member of the board of administration may be recalled and  
666 removed from office with or without cause by the vote or  
667 agreement in writing by a majority of all the voting interests.  
668 A special meeting of the unit owners to recall a member or  
669 members of the board of administration may be called by 10  
670 percent of the voting interests giving notice of the meeting as  
671 required for a meeting of unit owners, and the notice shall  
672 state the purpose of the meeting. Electronic transmission may  
673 not be used as a method of giving notice of a meeting called in  
674 whole or in part for this purpose.

675 1. If the recall is approved by a majority of all voting  
676 interests by a vote at a meeting, the recall will be effective  
677 as provided in this paragraph. The board shall duly notice and  
678 hold a board meeting within 5 full business days after the  
679 adjournment of the unit owner meeting to recall one or more  
680 board members. Such member or members shall be recalled  
681 effective immediately upon conclusion of the board meeting  
682 provided that the recall is facially valid. A recalled member  
683 must ~~and shall~~ turn over to the board, within 10 full business  
684 days after the vote, any and all records and property of the  
685 association in their possession.

686 2. If the proposed recall is by an agreement in writing by  
687 a majority of all voting interests, the agreement in writing or  
688 a copy thereof shall be served on the association by certified

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689 mail or by personal service in the manner authorized by chapter  
690 48 and the Florida Rules of Civil Procedure. The board of  
691 administration shall duly notice and hold a meeting of the board  
692 within 5 full business days after receipt of the agreement in  
693 writing. Such member or members shall be recalled effective  
694 immediately upon the conclusion of the board meeting provided  
695 that the recall is facially valid. A recalled member must ~~and~~  
696 ~~shall~~ turn over to the board, within 10 full business days, any  
697 and all records and property of the association in their  
698 possession.

699 3. If the board fails to duly notice and hold a board  
700 meeting within 5 full business days after service of an  
701 agreement in writing or within 5 full business days after the  
702 adjournment of the unit owner recall meeting, the recall shall  
703 be deemed effective and the board members so recalled shall turn  
704 over to the board within 10 full business days after the vote  
705 any and all records and property of the association.

706 4. If the board fails to duly notice and hold the required  
707 meeting ~~or fails to file the required petition,~~ the unit owner  
708 representative may file a petition pursuant to s. 718.1255  
709 challenging the board's failure to act. The petition must be  
710 filed within 60 days after the expiration of the applicable 5-  
711 full-business-day period. The review of a petition under this  
712 subparagraph is limited to the sufficiency of service on the

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713 board and the facial validity of the written agreement or  
714 ballots filed.

715 5. If a vacancy occurs on the board as a result of a  
716 recall or removal and less than a majority of the board members  
717 are removed, the vacancy may be filled by the affirmative vote  
718 of a majority of the remaining directors, notwithstanding any  
719 provision to the contrary contained in this subsection. If  
720 vacancies occur on the board as a result of a recall and a  
721 majority or more of the board members are removed, the vacancies  
722 shall be filled in accordance with procedural rules to be  
723 adopted by the division, which rules need not be consistent with  
724 this subsection. The rules must provide procedures governing the  
725 conduct of the recall election as well as the operation of the  
726 association during the period after a recall but before the  
727 recall election.

728 6. A board member who has been recalled may file a  
729 petition pursuant to s. 718.1255 challenging the validity of the  
730 recall. The petition must be filed within 60 days after the  
731 recall. The association and the unit owner representative shall  
732 be named as the respondents. The petition may challenge the  
733 facial validity of the written agreement or ballots filed or the  
734 substantial compliance with the procedural requirements for the  
735 recall. If the arbitrator determines the recall was invalid, the  
736 petitioning board member shall immediately be reinstated and the  
737 recall is null and void. A board member who is successful in

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738 challenging a recall is entitled to recover reasonable attorney  
739 fees and costs from the respondents. The arbitrator may award  
740 reasonable attorney fees and costs to the respondents if they  
741 prevail, if the arbitrator makes a finding that the petitioner's  
742 claim is frivolous.

743 7. The division may not accept for filing a recall  
744 petition, whether filed pursuant to subparagraph 1.,  
745 subparagraph 2., subparagraph 4., or subparagraph 6. when there  
746 are 60 or fewer days until the scheduled reelection of the board  
747 member sought to be recalled or when 60 or fewer days have  
748 elapsed since the election of the board member sought to be  
749 recalled.

750 Section 3. Subsection (2) of section 718.113, Florida  
751 Statutes, is amended to read:

752 718.113 Maintenance; limitation upon improvement; display  
753 of flag; hurricane shutters and protection; display of religious  
754 decorations.—

755 (2) (a) Except as otherwise provided in this section, there  
756 shall be no material alteration or substantial additions to the  
757 common elements or to real property which is association  
758 property, except in a manner provided in the declaration as  
759 originally recorded or as amended under the procedures provided  
760 therein. If the declaration as originally recorded or as amended  
761 under the procedures provided therein does not specify the  
762 procedure for approval of material alterations or substantial

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763 additions, 75 percent of the total voting interests of the  
764 association must approve the alterations or additions before the  
765 material alterations or substantial additions are commenced.

766 This paragraph is intended to clarify existing law and applies  
767 to associations existing on July 1, 2018 ~~October 1, 2008~~.

768 (b) There shall not be any material alteration of, or  
769 substantial addition to, the common elements of any condominium  
770 operated by a multicondominium association unless approved in  
771 the manner provided in the declaration of the affected  
772 condominium or condominiums as originally recorded or as amended  
773 under the procedures provided therein. If a declaration as  
774 originally recorded or as amended under the procedures provided  
775 therein does not specify a procedure for approving such an  
776 alteration or addition, the approval of 75 percent of the total  
777 voting interests of each affected condominium is required before  
778 the material alterations or substantial additions are commenced.

779 This subsection does not prohibit a provision in any  
780 declaration, articles of incorporation, or bylaws as originally  
781 recorded or as amended under the procedures provided therein  
782 requiring the approval of unit owners in any condominium  
783 operated by the same association or requiring board approval  
784 before a material alteration or substantial addition to the  
785 common elements is permitted. This paragraph is intended to  
786 clarify existing law and applies to associations existing on  
787 July 1, 2018 ~~the effective date of this act.~~

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788 (c) There shall not be any material alteration or  
789 substantial addition made to association real property operated  
790 by a multicondominium association, except as provided in the  
791 declaration, articles of incorporation, or bylaws as originally  
792 recorded or as amended under the procedures provided therein. If  
793 the declaration, articles of incorporation, or bylaws as  
794 originally recorded or as amended under the procedures provided  
795 therein do not specify the procedure for approving an alteration  
796 or addition to association real property, the approval of 75  
797 percent of the total voting interests of the association is  
798 required before the material alterations or substantial  
799 additions are commenced. This paragraph is intended to clarify  
800 existing law and applies to associations existing on July 1,  
801 2018 ~~the effective date of this act.~~

802 Section 4. Subsection (3) of section 718.3026, Florida  
803 Statutes, is amended to read:

804 718.3026 Contracts for products and services; in writing;  
805 bids; exceptions.—Associations with 10 or fewer units may opt  
806 out of the provisions of this section if two-thirds of the unit  
807 owners vote to do so, which opt-out may be accomplished by a  
808 proxy specifically setting forth the exception from this  
809 section.

810 ~~(3) As to any contract or other transaction between an~~  
811 ~~association and one or more of its directors or any other~~  
812 ~~corporation, firm, association, or entity in which one or more~~

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813 ~~of its directors are directors or officers or are financially~~  
814 ~~interested:~~

815 ~~(a) The association shall comply with the requirements of~~  
816 ~~s. 617.0832.~~

817 ~~(b) The disclosures required by s. 617.0832 shall be~~  
818 ~~entered into the written minutes of the meeting.~~

819 ~~(c) Approval of the contract or other transaction shall~~  
820 ~~require an affirmative vote of two thirds of the directors~~  
821 ~~present.~~

822 ~~(d) At the next regular or special meeting of the members,~~  
823 ~~the existence of the contract or other transaction shall be~~  
824 ~~disclosed to the members. Upon motion of any member, the~~  
825 ~~contract or transaction shall be brought up for a vote and may~~  
826 ~~be canceled by a majority vote of the members present. Should~~  
827 ~~the members cancel the contract, the association shall only be~~  
828 ~~liable for the reasonable value of goods and services provided~~  
829 ~~up to the time of cancellation and shall not be liable for any~~  
830 ~~termination fee, liquidated damages, or other form of penalty~~  
831 ~~for such cancellation.~~

832 Section 5. Section 718.3027, Florida Statutes, is amended  
833 to read:

834 718.3027 Conflicts of interest.—

835 (1) Directors and officers of a board of an association  
836 that is not a timeshare condominium association, and the  
837 relatives of such directors and officers, must disclose to the

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838 board any activity that may reasonably be construed to be a  
839 conflict of interest. A rebuttable presumption of a conflict of  
840 interest exists if any of the following occurs without prior  
841 notice, as required in subsection (5)~~(4)~~:

842 (a) A director or an officer, or a relative of a director  
843 or an officer, enters into a contract for goods or services with  
844 the association.

845 (b) A director or an officer, or a relative of a director  
846 or an officer, holds an interest in a corporation, limited  
847 liability corporation, partnership, limited liability  
848 partnership, or other business entity that conducts business  
849 with the association or proposes to enter into a contract or  
850 other transaction with the association.

851 (2) If a director or an officer, or a relative of a  
852 director or an officer, proposes to engage in an activity that  
853 is a conflict of interest, as described in subsection (1), the  
854 proposed activity must be listed on, and all contracts and  
855 transactional documents related to the proposed activity must be  
856 attached to, the meeting agenda. The association shall comply  
857 with the requirements of s. 617.0832, and the disclosures  
858 required by s. 617.0832 shall be entered into the written  
859 minutes of the meeting. Approval of the contract or other  
860 transaction requires an affirmative vote of two-thirds of all  
861 other directors present. At the next regular or special meeting  
862 of the members, the existence of the contract or other

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863 transaction shall be disclosed to the members. Upon motion of  
864 any member, the contract or transaction shall be brought up for  
865 a vote and may be canceled by a majority vote of the members  
866 present. If the contract is canceled, the association is only  
867 liable for the reasonable value of the goods and services  
868 provided up to the time of cancellation and is not liable for  
869 any termination fee, liquidated damages, or other form of  
870 penalty for such cancellation.

871 (3) If the board votes against the proposed activity, the  
872 director or officer, or the relative of the director or officer,  
873 must notify the board in writing of his or her intention not to  
874 pursue the proposed activity or to withdraw from office. If the  
875 board finds that an officer or a director has violated this  
876 subsection, the officer or director shall be deemed removed from  
877 office. The vacancy shall be filled according to general law.

878 (4) ~~(3)~~ A director or an officer, or a relative of a  
879 director or an officer, who is a party to, or has an interest  
880 in, an activity that is a possible conflict of interest, as  
881 described in subsection (1), may attend the meeting at which the  
882 activity is considered by the board and is authorized to make a  
883 presentation to the board regarding the activity. After the  
884 presentation, the director or officer, or the relative of the  
885 director or officer, must leave the meeting during the  
886 discussion of, and the vote on, the activity. A director or an

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887 officer who is a party to, or has an interest in, the activity  
888 must recuse himself or herself from the vote.

889 ~~(5)-(4)~~ A contract entered into between a director or an  
890 officer, or a relative of a director or an officer, and the  
891 association, which is not a timeshare condominium association,  
892 that has not been properly disclosed as a conflict of interest  
893 or potential conflict of interest as required by s.

894 718.111(12)(g) is voidable and terminates upon the filing of a  
895 written notice terminating the contract with the board of  
896 directors which contains the consent of at least 20 percent of  
897 the voting interests of the association.

898 ~~(6)-(5)~~ As used in this section, the term "relative" means  
899 a relative within the third degree of consanguinity by blood or  
900 marriage.

901 Section 6. Paragraph (b) of subsection (3) of section  
902 718.303, Florida Statutes, is amended to read:

903 718.303 Obligations of owners and occupants; remedies.—

904 (3) The association may levy reasonable fines for the  
905 failure of the owner of the unit or its occupant, licensee, or  
906 invitee to comply with any provision of the declaration, the  
907 association bylaws, or reasonable rules of the association. A  
908 fine may not become a lien against a unit. A fine may be levied  
909 by the board on the basis of each day of a continuing violation,  
910 with a single notice and opportunity for hearing before a

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911 committee as provided in paragraph (b). However, the fine may  
912 not exceed \$100 per violation, or \$1,000 in the aggregate.

913 (b) A fine or suspension levied by the board of  
914 administration may not be imposed unless the board first  
915 provides at least 14 days' written notice ~~and an opportunity for~~  
916 ~~a hearing~~ to the unit owner and, if applicable, any its  
917 occupant, licensee, or invitee of the unit owner sought to be  
918 fined or suspended and an opportunity for a hearing. ~~The hearing~~  
919 ~~must be held~~ before a committee of at least three members  
920 appointed by the board who are not officers, directors, or  
921 employees of the association, or the spouse, parent, child,  
922 brother, or sister of an officer, director, or employee other  
923 ~~unit owners who are neither board members nor persons residing~~  
924 ~~in a board member's household.~~ The role of the committee is  
925 limited to determining whether to confirm or reject the fine or  
926 suspension levied by the board. If the committee does not  
927 approve ~~agree,~~ the proposed fine or suspension by majority vote,  
928 the fine or suspension may not be imposed. If the proposed fine  
929 or suspension is approved by the committee, the fine payment is  
930 due 5 days after the date of the committee meeting at which the  
931 fine is approved. The association must provide written notice of  
932 such fine or suspension by mail or hand delivery to the unit  
933 owner and, if applicable, to any tenant, licensee, or invitee of  
934 the unit owner.

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935 Section 7. Section 718.707, Florida Statutes, is amended  
936 to read:

937 718.707 Time limitation for classification as bulk  
938 assignee or bulk buyer.—A person acquiring condominium parcels  
939 may not be classified as a bulk assignee or bulk buyer unless  
940 the condominium parcels were acquired on or after July 1, 2010,  
941 ~~but before July 1, 2018~~. The date of such acquisition shall be  
942 determined by the date of recording a deed or other instrument  
943 of conveyance for such parcels in the public records of the  
944 county in which the condominium is located, or by the date of  
945 issuing a certificate of title in a foreclosure proceeding with  
946 respect to such condominium parcels.

947 Section 8. Paragraphs (a) and (b) of subsection (2) of  
948 section 719.104, Florida Statutes, are amended to read:

949 719.104 Cooperatives; access to units; records; financial  
950 reports; assessments; purchase of leases.—

951 (2) OFFICIAL RECORDS.—

952 (a) From the inception of the association, the association  
953 shall maintain a copy of each of the following, where  
954 applicable, which shall constitute the official records of the  
955 association:

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

958 2. A photocopy of the cooperative documents.

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

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960 4. A book or books containing the minutes of all meetings  
961 of the association, of the board of directors, and of the unit  
962 owners, ~~which minutes shall be retained for a period of not less~~  
963 ~~than 7 years.~~

964 5. A current roster of all unit owners and their mailing  
965 addresses, unit identifications, voting certifications, and, if  
966 known, telephone numbers. The association shall also maintain  
967 the e-mail ~~electronic mailing~~ addresses and the numbers  
968 designated by unit owners for receiving notice sent by  
969 electronic transmission of those unit owners consenting to  
970 receive notice by electronic transmission. The e-mail ~~electronic~~  
971 ~~mailing~~ addresses and numbers provided by unit owners to receive  
972 notice by electronic transmission shall be removed from  
973 association records when consent to receive notice by electronic  
974 transmission is revoked. However, the association is not liable  
975 for an erroneous disclosure of the e-mail ~~electronic mail~~  
976 address or the number for receiving electronic transmission of  
977 notices.

978 6. All current insurance policies of the association.

979 7. A current copy of any management agreement, lease, or  
980 other contract to which the association is a party or under  
981 which the association or the unit owners have an obligation or  
982 responsibility.

983 8. Bills of sale or transfer for all property owned by the  
984 association.

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985 9. Accounting records for the association and separate  
986 accounting records for each unit it operates, according to good  
987 accounting practices. ~~All accounting records shall be maintained~~  
988 ~~for a period of not less than 7 years.~~ The accounting records  
989 shall include, but not be limited to:

990 a. Accurate, itemized, and detailed records of all  
991 receipts and expenditures.

992 b. A current account and a monthly, bimonthly, or  
993 quarterly statement of the account for each unit designating the  
994 name of the unit owner, the due date and amount of each  
995 assessment, the amount paid upon the account, and the balance  
996 due.

997 c. All audits, reviews, accounting statements, and  
998 financial reports of the association.

999 d. All contracts for work to be performed. Bids for work  
1000 to be performed shall also be considered official records and  
1001 shall be maintained for a period of 1 year.

1002 10. Ballots, sign-in sheets, voting proxies, and all other  
1003 papers and electronic records relating to voting by unit owners,  
1004 which shall be maintained for a period of 1 year after the date  
1005 of the election, vote, or meeting to which the document relates.

1006 11. All rental records where the association is acting as  
1007 agent for the rental of units.

1008 12. A copy of the current question and answer sheet as  
1009 described in s. 719.504.

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1010           13. All other written records of the association not  
1011 specifically included in the foregoing which are related to the  
1012 operation of the association.

1013           (b) The official records of the association must be  
1014 maintained within the state for at least 7 years. The records of  
1015 the association shall be made available to a unit owner within  
1016 45 miles of the cooperative property or within the county in  
1017 which the cooperative property is located within 10 ~~5~~ working  
1018 days after receipt of written request by the board or its  
1019 designee. This paragraph may be complied with by having a copy  
1020 of the official records of the association available for  
1021 inspection or copying on the cooperative property or the  
1022 association may offer the option of making the records available  
1023 to a unit owner electronically via the Internet or by allowing  
1024 the records to be viewed in an electronic format on a computer  
1025 screen and printed upon request. The association is not  
1026 responsible for the use or misuse of the information provided to  
1027 an association member or his or her authorized representative  
1028 pursuant to the compliance requirements of this chapter unless  
1029 the association has an affirmative duty not to disclose such  
1030 information pursuant to this chapter.

1031           Section 9. Paragraphs (a), (c), and (d) of subsection (1)  
1032 of section 719.106, Florida Statutes, are amended, and paragraph  
1033 (m) is added to that subsection, to read:

1034           719.106 Bylaws; cooperative ownership.—

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1035 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1036 documents shall provide for the following, and if they do not,  
1037 they shall be deemed to include the following:

1038 (a) Administration.—

1039 1. The form of administration of the association shall be  
1040 described, indicating the titles of the officers and board of  
1041 administration and specifying the powers, duties, manner of  
1042 selection and removal, and compensation, if any, of officers and  
1043 board members. In the absence of such a provision, the board of  
1044 administration shall be composed of five members, unless the  
1045 cooperative ~~except in the case of cooperatives~~ has having five  
1046 or fewer units., ~~in which case in not-for-profit corporations,~~  
1047 The board shall consist of not fewer than three members in  
1048 cooperatives with five or fewer units that are not-for-profit  
1049 corporations. In a residential cooperative association of more  
1050 than 10 units, co-owners of a unit may not serve as members of  
1051 the board of directors at the same time unless the co-owners own  
1052 more than one unit or unless there are not enough eligible  
1053 candidates to fill the vacancies on the board at the time of the  
1054 vacancy. In the absence of provisions to the contrary, the board  
1055 of administration shall have a president, a secretary, and a  
1056 treasurer, who shall perform the duties of those offices  
1057 customarily performed by officers of corporations. Unless  
1058 prohibited in the bylaws, the board of administration may  
1059 appoint other officers and grant them those duties it deems

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1060 appropriate. Unless otherwise provided in the bylaws, the  
1061 officers shall serve without compensation and at the pleasure of  
1062 the board. Unless otherwise provided in the bylaws, the members  
1063 of the board shall serve without compensation.

1064 2. A person who has been suspended or removed by the  
1065 division under this chapter, or who is delinquent in the payment  
1066 of any monetary obligation due to the association, is not  
1067 eligible to be a candidate for board membership and may not be  
1068 listed on the ballot. A director or officer charged by  
1069 information or indictment with a felony theft or embezzlement  
1070 offense involving the association's funds or property is  
1071 suspended from office. The board shall fill the vacancy  
1072 according to general law until the end of the period of the  
1073 suspension or the end of the director's term of office,  
1074 whichever occurs first. However, if the charges are resolved  
1075 without a finding of guilt or without acceptance of a plea of  
1076 guilty or nolo contendere, the director or officer shall be  
1077 reinstated for any remainder of his or her term of office. A  
1078 member who has such criminal charges pending may not be  
1079 appointed or elected to a position as a director or officer. A  
1080 person who has been convicted of any felony in this state or in  
1081 any United States District Court, or who has been convicted of  
1082 any offense in another jurisdiction which would be considered a  
1083 felony if committed in this state, is not eligible for board  
1084 membership unless such felon's civil rights have been restored

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1085 for at least 5 years as of the date such person seeks election  
1086 to the board. The validity of an action by the board is not  
1087 affected if it is later determined that a board member is  
1088 ineligible for board membership due to having been convicted of  
1089 a felony.

1090 3. When a unit owner files a written inquiry by certified  
1091 mail with the board of administration, the board shall respond  
1092 in writing to the unit owner within 30 days of receipt of the  
1093 inquiry. The board's response shall either give a substantive  
1094 response to the inquirer, notify the inquirer that a legal  
1095 opinion has been requested, or notify the inquirer that advice  
1096 has been requested from the division. If the board requests  
1097 advice from the division, the board shall, within 10 days of its  
1098 receipt of the advice, provide in writing a substantive response  
1099 to the inquirer. If a legal opinion is requested, the board  
1100 shall, within 60 days after the receipt of the inquiry, provide  
1101 in writing a substantive response to the inquirer. The failure  
1102 to provide a substantive response to the inquirer as provided  
1103 herein precludes the board from recovering attorney's fees and  
1104 costs in any subsequent litigation, administrative proceeding,  
1105 or arbitration arising out of the inquiry. The association may,  
1106 through its board of administration, adopt reasonable rules and  
1107 regulations regarding the frequency and manner of responding to  
1108 the unit owners' inquiries, one of which may be that the  
1109 association is obligated to respond to only one written inquiry

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1110 per unit in any given 30-day period. In such case, any  
1111 additional inquiry or inquiries must be responded to in the  
1112 subsequent 30-day period, or periods, as applicable.

1113 (c) Board of administration meetings. Members of the board  
1114 of administration may use e-mail as a means of communication but  
1115 may not cast a vote on an association matter via e-mail.

1116 Meetings of the board of administration at which a quorum of the  
1117 members is present shall be open to all unit owners. Any unit  
1118 owner may tape record or videotape meetings of the board of  
1119 administration. The right to attend such meetings includes the  
1120 right to speak at such meetings with reference to all designated  
1121 agenda items. The division shall adopt reasonable rules  
1122 governing the tape recording and videotaping of the meeting. The  
1123 association may adopt reasonable written rules governing the  
1124 frequency, duration, and manner of unit owner statements.

1125 Adequate notice of all meetings shall be posted in a conspicuous  
1126 place upon the cooperative property at least 48 continuous hours  
1127 preceding the meeting, except in an emergency. Any item not  
1128 included on the notice may be taken up on an emergency basis by  
1129 at least a majority plus one of the members of the board. Such  
1130 emergency action shall be noticed and ratified at the next  
1131 regular meeting of the board. Notice of any meeting in which  
1132 regular or special assessments against unit owners are to be  
1133 considered must specifically state that assessments will be  
1134 considered and provide the estimated cost and description of the

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

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1160 content of the notice and the agenda. In addition to any of the  
1161 authorized means of providing notice of a meeting of the board,  
1162 the association may, by rule, adopt a procedure for  
1163 conspicuously posting the meeting notice and the agenda on a  
1164 website serving the cooperative association for at least the  
1165 minimum period of time for which a notice of a meeting is also  
1166 required to be physically posted on the cooperative property.  
1167 Any rule adopted shall, in addition to other matters, include a  
1168 requirement that the association send an electronic notice in  
1169 the same manner as a notice for a meeting of the members, which  
1170 must include a hyperlink to the website where the notice is  
1171 posted, to unit owners whose e-mail addresses are included in  
1172 the association's official records. ~~Notice of any meeting in~~  
1173 ~~which regular assessments against unit owners are to be~~  
1174 ~~considered for any reason shall specifically contain a statement~~  
1175 ~~that assessments will be considered and the nature of any such~~  
1176 ~~assessments.~~ Meetings of a committee to take final action on  
1177 behalf of the board or to make recommendations to the board  
1178 regarding the association budget are subject to the provisions  
1179 of this paragraph. Meetings of a committee that does not take  
1180 final action on behalf of the board or make recommendations to  
1181 the board regarding the association budget are subject to the  
1182 provisions of this section, unless those meetings are exempted  
1183 from this section by the bylaws of the association.  
1184 Notwithstanding any other law to the contrary, the requirement

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1185 that board meetings and committee meetings be open to the unit  
1186 owners does not apply to board or committee meetings held for  
1187 the purpose of discussing personnel matters or meetings between  
1188 the board or a committee and the association's attorney, with  
1189 respect to proposed or pending litigation, if the meeting is  
1190 held for the purpose of seeking or rendering legal advice.

1191 (d) Shareholder meetings.—There shall be an annual meeting  
1192 of the shareholders. All members of the board of administration  
1193 shall be elected at the annual meeting unless the bylaws provide  
1194 for staggered election terms or for their election at another  
1195 meeting. Any unit owner desiring to be a candidate for board  
1196 membership must comply with subparagraph 1. The bylaws must  
1197 provide the method for calling meetings, including annual  
1198 meetings. Written notice, which must incorporate an  
1199 identification of agenda items, shall be given to each unit  
1200 owner at least 14 days before the annual meeting and posted in a  
1201 conspicuous place on the cooperative property at least 14  
1202 continuous days preceding the annual meeting. Upon notice to the  
1203 unit owners, the board must by duly adopted rule designate a  
1204 specific location on the cooperative property upon which all  
1205 notice of unit owner meetings are posted. In lieu of or in  
1206 addition to the physical posting of the meeting notice, the  
1207 association may, by reasonable rule, adopt a procedure for  
1208 conspicuously posting and repeatedly broadcasting the notice and  
1209 the agenda on a closed-circuit cable television system serving

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1210 the cooperative association. However, if broadcast notice is  
1211 used in lieu of a posted notice, the notice and agenda must be  
1212 broadcast at least four times every broadcast hour of each day  
1213 that a posted notice is otherwise required under this section.  
1214 If broadcast notice is provided, the notice and agenda must be  
1215 broadcast in a manner and for a sufficient continuous length of  
1216 time to allow an average reader to observe the notice and read  
1217 and comprehend the entire content of the notice and the agenda.  
1218 In addition to any of the authorized means of providing notice  
1219 of a meeting of the shareholders, the association may, by rule,  
1220 adopt a procedure for conspicuously posting the meeting notice  
1221 and the agenda on a website serving the cooperative association  
1222 for at least the minimum period of time for which a notice of a  
1223 meeting is also required to be physically posted on the  
1224 cooperative property. Any rule adopted shall, in addition to  
1225 other matters, include a requirement that the association send  
1226 an electronic notice in the same manner as a notice for a  
1227 meeting of the members, which must include a hyperlink to the  
1228 website where the notice is posted, to unit owners whose e-mail  
1229 addresses are included in the association's official records.  
1230 Unless a unit owner waives in writing the right to receive  
1231 notice of the annual meeting, the notice of the annual meeting  
1232 must be sent by mail, hand delivered, or electronically  
1233 transmitted to each unit owner. An officer of the association  
1234 must provide an affidavit or United States Postal Service

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1235 certificate of mailing, to be included in the official records  
1236 of the association, affirming that notices of the association  
1237 meeting were mailed, hand delivered, or electronically  
1238 transmitted, in accordance with this provision, to each unit  
1239 owner at the address last furnished to the association.

1240 1. The board of administration shall be elected by written  
1241 ballot or voting machine. A proxy may not be used in electing  
1242 the board of administration in general elections or elections to  
1243 fill vacancies caused by recall, resignation, or otherwise  
1244 unless otherwise provided in this chapter.

1245 a. At least 60 days before a scheduled election, the  
1246 association shall mail, deliver, or transmit, whether by  
1247 separate association mailing, delivery, or electronic  
1248 transmission or included in another association mailing,  
1249 delivery, or electronic transmission, including regularly  
1250 published newsletters, to each unit owner entitled to vote, a  
1251 first notice of the date of the election. Any unit owner or  
1252 other eligible person desiring to be a candidate for the board  
1253 of administration must give written notice to the association at  
1254 least 40 days before a scheduled election. Together with the  
1255 written notice and agenda as set forth in this section, the  
1256 association shall mail, deliver, or electronically transmit a  
1257 second notice of election to all unit owners entitled to vote,  
1258 together with a ballot that lists all candidates. Upon request  
1259 of a candidate, the association shall include an information

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1260 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1261 furnished by the candidate at least 35 days before the election,  
1262 to be included with the mailing, delivery, or electronic  
1263 transmission of the ballot, with the costs of mailing, delivery,  
1264 or transmission and copying to be borne by the association. The  
1265 association is not liable for the contents of the information  
1266 sheets provided by the candidates. In order to reduce costs, the  
1267 association may print or duplicate the information sheets on  
1268 both sides of the paper. The division shall by rule establish  
1269 voting procedures consistent with this subparagraph, including  
1270 rules establishing procedures for giving notice by electronic  
1271 transmission and rules providing for the secrecy of ballots.  
1272 Elections shall be decided by a plurality of those ballots cast.  
1273 There is no quorum requirement. However, at least 20 percent of  
1274 the eligible voters must cast a ballot in order to have a valid  
1275 election. A unit owner may not permit any other person to vote  
1276 his or her ballot, and any such ballots improperly cast are  
1277 invalid. A unit owner who needs assistance in casting the ballot  
1278 for the reasons stated in s. 101.051 may obtain assistance in  
1279 casting the ballot. Any unit owner violating this provision may  
1280 be fined by the association in accordance with s. 719.303. The  
1281 regular election must occur on the date of the annual meeting.  
1282 This subparagraph does not apply to timeshare cooperatives.  
1283 Notwithstanding this subparagraph, an election and balloting are  
1284 not required unless more candidates file a notice of intent to

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1285 run or are nominated than vacancies exist on the board. Any  
1286 challenge to the election process must be commenced within 60  
1287 days after the election results are announced.

1288 b. Within 90 days after being elected or appointed to the  
1289 board, each new director shall certify in writing to the  
1290 secretary of the association that he or she has read the  
1291 association's bylaws, articles of incorporation, proprietary  
1292 lease, and current written policies; that he or she will work to  
1293 uphold such documents and policies to the best of his or her  
1294 ability; and that he or she will faithfully discharge his or her  
1295 fiduciary responsibility to the association's members. Within 90  
1296 days after being elected or appointed to the board, in lieu of  
1297 this written certification, the newly elected or appointed  
1298 director may submit a certificate of having satisfactorily  
1299 completed the educational curriculum administered by an  
1300 education provider as approved by the division pursuant to the  
1301 requirements established in chapter 718 within 1 year before or  
1302 90 days after the date of election or appointment. The  
1303 educational certificate is valid and does not have to be  
1304 resubmitted as long as the director serves on the board without  
1305 interruption. A director who fails to timely file the written  
1306 certification or educational certificate is suspended from  
1307 service on the board until he or she complies with this sub-  
1308 subparagraph. The board may temporarily fill the vacancy during  
1309 the period of suspension. The secretary of the association shall

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1310 cause the association to retain a director's written  
1311 certification or educational certificate for inspection by the  
1312 members for 5 years after a director's election or the duration  
1313 of the director's uninterrupted tenure, whichever is longer.  
1314 Failure to have such written certification or educational  
1315 certificate on file does not affect the validity of any board  
1316 action.

1317 2. Any approval by unit owners called for by this chapter,  
1318 or the applicable cooperative documents, must be made at a duly  
1319 noticed meeting of unit owners and is subject to this chapter or  
1320 the applicable cooperative documents relating to unit owner  
1321 decisionmaking, except that unit owners may take action by  
1322 written agreement, without meetings, on matters for which action  
1323 by written agreement without meetings is expressly allowed by  
1324 the applicable cooperative documents or law which provides for  
1325 the unit owner action.

1326 3. Unit owners may waive notice of specific meetings if  
1327 allowed by the applicable cooperative documents or law. Notice  
1328 of meetings of the board of administration, shareholder  
1329 meetings, except shareholder meetings called to recall board  
1330 members under paragraph (f), and committee meetings may be given  
1331 by electronic transmission to unit owners who consent to receive  
1332 notice by electronic transmission. A unit owner who consents to  
1333 receiving notices by electronic transmission is solely  
1334 responsible for removing or bypassing filters that may block

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1335 receipt of mass emails sent to members on behalf of the  
1336 association in the course of giving electronic notices.

1337 4. Unit owners have the right to participate in meetings  
1338 of unit owners with reference to all designated agenda items.  
1339 However, the association may adopt reasonable rules governing  
1340 the frequency, duration, and manner of unit owner participation.

1341 5. Any unit owner may tape record or videotape meetings of  
1342 the unit owners subject to reasonable rules adopted by the  
1343 division.

1344 6. Unless otherwise provided in the bylaws, a vacancy  
1345 occurring on the board before the expiration of a term may be  
1346 filled by the affirmative vote of the majority of the remaining  
1347 directors, even if the remaining directors constitute less than  
1348 a quorum, or by the sole remaining director. In the alternative,  
1349 a board may hold an election to fill the vacancy, in which case  
1350 the election procedures must conform to the requirements of  
1351 subparagraph 1. unless the association has opted out of the  
1352 statutory election process, in which case the bylaws of the  
1353 association control. Unless otherwise provided in the bylaws, a  
1354 board member appointed or elected under this subparagraph shall  
1355 fill the vacancy for the unexpired term of the seat being  
1356 filled. Filling vacancies created by recall is governed by  
1357 paragraph (f) and rules adopted by the division.

1358

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1359 Notwithstanding subparagraphs (b)2. and (d)1., an association  
1360 may, by the affirmative vote of a majority of the total voting  
1361 interests, provide for a different voting and election procedure  
1362 in its bylaws, which vote may be by a proxy specifically  
1363 delineating the different voting and election procedures. The  
1364 different voting and election procedures may provide for  
1365 elections to be conducted by limited or general proxy.

1366 (m) Director or officer delinquencies.—A director or  
1367 officer more than 90 days delinquent in the payment of any  
1368 monetary obligation due the association shall be deemed to have  
1369 abandoned the office, creating a vacancy in the office to be  
1370 filled according to law.

1371 Section 10. Paragraph (b) of subsection (1) of section  
1372 719.107, Florida Statutes, is amended to read:

1373 719.107 Common expenses; assessment.—

1374 (1)

1375 (b) If so provided in the bylaws, the cost of  
1376 communications services as defined in chapter 202, information  
1377 services or Internet services ~~a master antenna television system~~  
1378 ~~or duly franchised cable television service~~ obtained pursuant to  
1379 a bulk contract shall be deemed a common expense, and if not  
1380 obtained pursuant to a bulk contract, such cost shall be  
1381 considered common expense if it is designated as such in a  
1382 written contract between the board of administration and the  
1383 company providing the communications services as defined in

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1384 chapter 202, information services or Internet services ~~master~~  
1385 ~~television antenna system or the cable television service.~~ The  
1386 contract shall be for a term of not less than 2 years.

1387 1. Any contract made by the board after April 2, 1992, for  
1388 a community antenna system or duly franchised cable television  
1389 service, communications services as defined in chapter 202,  
1390 information services or Internet services may be canceled by a  
1391 majority of the voting interests present at the next regular or  
1392 special meeting of the association. Any member may make a motion  
1393 to cancel the contract, but if no motion is made or if such  
1394 motion fails to obtain the required majority at the next regular  
1395 or special meeting, whichever is sooner, following the making of  
1396 the contract, then such contract shall be deemed ratified for  
1397 the term therein expressed.

1398 2. Any such contract shall provide, and shall be deemed to  
1399 provide if not expressly set forth, that any hearing impaired or  
1400 legally blind unit owner who does not occupy the unit with a  
1401 nonhearing impaired or sighted person may discontinue the  
1402 service without incurring disconnect fees, penalties, or  
1403 subsequent service charges, and as to such units, the owners  
1404 shall not be required to pay any common expenses charge related  
1405 to such service. If less than all members of an association  
1406 share the expenses of cable television, the expense shall be  
1407 shared equally by all participating unit owners. The association  
1408 may use the provisions of s. 719.108 to enforce payment of the

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1409 shares of such costs by the unit owners receiving cable  
1410 television.

1411 Section 11. Paragraph (b) of subsection (3) of section  
1412 719.303, Florida Statutes, is amended to read:

1413 719.303 Obligations of owners.—

1414 (3) The association may levy reasonable fines for failure  
1415 of the unit owner or the unit's occupant, licensee, or invitee  
1416 to comply with any provision of the cooperative documents or  
1417 reasonable rules of the association. A fine may not become a  
1418 lien against a unit. A fine may be levied by the board on the  
1419 basis of each day of a continuing violation, with a single  
1420 notice and opportunity for hearing before a committee as  
1421 provided in paragraph (b). However, the fine may not exceed \$100  
1422 per violation, or \$1,000 in the aggregate.

1423 (b) A fine or suspension levied by the board of  
1424 administration may not be imposed unless the board first  
1425 provides at least 14 days' written notice ~~and an opportunity for~~  
1426 ~~a hearing~~ to the unit owner and, if applicable, any its  
1427 occupant, licensee, or invitee of the unit owner sought to be  
1428 fined or suspended and an opportunity for a hearing. ~~The hearing~~  
1429 ~~must be held~~ before a committee of at least three members  
1430 appointed by the board who are not officers, directors, or  
1431 employees of the association, or the spouse, parent, child,  
1432 brother, or sister of an officer, director, or employee ~~other~~  
1433 ~~unit owners who are neither board members nor persons residing~~

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1434 ~~in a board member's household.~~ The role of the committee is  
1435 limited to determining whether to confirm or reject the fine or  
1436 suspension levied by the board. If the committee does not  
1437 approve ~~agree with~~ the proposed fine or suspension by majority  
1438 vote, the fine or suspension ~~it~~ may not be imposed. If the  
1439 proposed fine or suspension is approved by the committee, the  
1440 fine payment is due 5 days after the date of the committee  
1441 meeting at which the fine is approved. The association must  
1442 provide written notice of such fine or suspension by mail or  
1443 hand delivery to the unit owner and, if applicable, to any  
1444 tenant, licensee, or invitee of the unit owner.

1445 Section 12. Paragraphs (a) and (c) of subsection (2) of  
1446 section 720.303, Florida Statutes, are amended, to read:

1447 720.303 Association powers and duties; meetings of board;  
1448 official records; budgets; financial reporting; association  
1449 funds; recalls.—

1450 (2) BOARD MEETINGS.—

1451 (a) Members of the board of administration may use e-mail  
1452 as a means of communication, but may not cast a vote on an  
1453 association matter via e-mail. A meeting of the board of  
1454 directors of an association occurs whenever a quorum of the  
1455 board gathers to conduct association business. Meetings of the  
1456 board must be open to all members, except for meetings between  
1457 the board and its attorney with respect to proposed or pending  
1458 litigation where the contents of the discussion would otherwise

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1459 be governed by the attorney-client privilege. A meeting of the  
1460 board must be held at a location that is accessible to a  
1461 physically handicapped person if requested by a physically  
1462 handicapped person who has a right to attend the meeting. The  
1463 provisions of this subsection shall also apply to the meetings  
1464 of any committee or other similar body when a final decision  
1465 will be made regarding the expenditure of association funds and  
1466 to meetings of any body vested with the power to approve or  
1467 disapprove architectural decisions with respect to a specific  
1468 parcel of residential property owned by a member of the  
1469 community.

1470 (c) The bylaws shall provide the following for giving  
1471 notice to parcel owners and members of all board meetings and,  
1472 if they do not do so, shall be deemed to include ~~provide~~ the  
1473 following:

1474 1. Notices of all board meetings must be posted in a  
1475 conspicuous place in the community at least 48 hours in advance  
1476 of a meeting, except in an emergency. In the alternative, if  
1477 notice is not posted in a conspicuous place in the community,  
1478 notice of each board meeting must be mailed or delivered to each  
1479 member at least 7 days before the meeting, except in an  
1480 emergency. Notwithstanding this general notice requirement, for  
1481 communities with more than 100 members, the association bylaws  
1482 may provide for a reasonable alternative to posting or mailing  
1483 of notice for each board meeting, including publication of

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1484 notice, provision of a schedule of board meetings, or the  
1485 conspicuous posting and repeated broadcasting of the notice on a  
1486 closed-circuit cable television system serving the homeowners'  
1487 association. However, if broadcast notice is used in lieu of a  
1488 notice posted physically in the community, the notice must be  
1489 broadcast at least four times every broadcast hour of each day  
1490 that a posted notice is otherwise required. When broadcast  
1491 notice is provided, the notice and agenda must be broadcast in a  
1492 manner and for a sufficient continuous length of time so as to  
1493 allow an average reader to observe the notice and read and  
1494 comprehend the entire content of the notice and the agenda. The  
1495 association may provide notice by electronic transmission in a  
1496 manner authorized by law for meetings of the board of directors,  
1497 committee meetings requiring notice under this section, and  
1498 annual and special meetings of the members to any member who has  
1499 provided a facsimile number or e-mail address to the association  
1500 to be used for such purposes; however, a member must consent in  
1501 writing to receiving notice by electronic transmission.

1502 2. An assessment may not be levied at a board meeting  
1503 unless the notice of the meeting includes a statement that  
1504 assessments will be considered and the nature of the  
1505 assessments. Written notice of any meeting at which special  
1506 assessments will be considered or at which amendments to rules  
1507 regarding parcel use will be considered must be mailed,  
1508 delivered, or electronically transmitted to the members and

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1509 parcel owners and posted conspicuously on the property or  
1510 broadcast on closed-circuit cable television not less than 14  
1511 days before the meeting.

1512 3. Directors may not vote by proxy or by secret ballot at  
1513 board meetings, except that secret ballots may be used in the  
1514 election of officers. This subsection also applies to the  
1515 meetings of any committee or other similar body, when a final  
1516 decision will be made regarding the expenditure of association  
1517 funds, and to any body vested with the power to approve or  
1518 disapprove architectural decisions with respect to a specific  
1519 parcel of residential property owned by a member of the  
1520 community.

1521 Section 13. Paragraph (b) of subsection (2) of section  
1522 720.305, Florida Statutes, is amended to read:

1523 720.305 Obligations of members; remedies at law or in  
1524 equity; levy of fines and suspension of use rights.—

1525 (2) The association may levy reasonable fines. A fine may  
1526 not exceed \$100 per violation against any member or any member's  
1527 tenant, guest, or invitee for the failure of the owner of the  
1528 parcel or its occupant, licensee, or invitee to comply with any  
1529 provision of the declaration, the association bylaws, or  
1530 reasonable rules of the association unless otherwise provided in  
1531 the governing documents. A fine may be levied by the board for  
1532 each day of a continuing violation, with a single notice and  
1533 opportunity for hearing, except that the fine may not exceed

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1534 \$1,000 in the aggregate unless otherwise provided in the  
1535 governing documents. A fine of less than \$1,000 may not become a  
1536 lien against a parcel. In any action to recover a fine, the  
1537 prevailing party is entitled to reasonable attorney fees and  
1538 costs from the nonprevailing party as determined by the court.

1539 (b) A fine or suspension levied ~~may not be imposed~~ by the  
1540 board of administration may not be imposed unless the board  
1541 first provides ~~without~~ at least 14 days' notice to the parcel  
1542 owner and, if applicable, any occupant, licensee, or invitee of  
1543 the parcel owner, ~~person~~ sought to be fined or suspended and an  
1544 opportunity for a hearing before a committee of at least three  
1545 members appointed by the board who are not officers, directors,  
1546 or employees of the association, or the spouse, parent, child,  
1547 brother, or sister of an officer, director, or employee. If the  
1548 committee, by majority vote, does not approve a proposed fine or  
1549 suspension, the proposed fine or suspension ~~it~~ may not be  
1550 imposed. The role of the committee is limited to determining  
1551 whether to confirm or reject the fine or suspension levied by  
1552 the board. If the proposed ~~board of administration imposes a~~  
1553 fine or suspension levied by the board is approved by the  
1554 committee, the fine payment is due 5 days after the date of the  
1555 committee meeting at which the fine is approved. The association  
1556 must provide written notice of such fine or suspension by mail  
1557 or hand delivery to the parcel owner and, if applicable, to any  
1558 tenant, licensee, or invitee of the parcel owner.

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1559 Section 14. Paragraph (a) of subsection (9) of section  
1560 720.306, Florida Statutes, is amended to read:

1561 720.306 Meetings of members; voting and election  
1562 procedures; amendments.—

1563 (9) ELECTIONS AND BOARD VACANCIES.—

1564 (a) Elections of directors must be conducted in accordance  
1565 with the procedures set forth in the governing documents of the  
1566 association. Except as provided in paragraph (b), all members of  
1567 the association are eligible to serve on the board of directors,  
1568 and a member may nominate himself or herself as a candidate for  
1569 the board at a meeting where the election is to be held;  
1570 provided, however, that if the election process allows  
1571 candidates to be nominated in advance of the meeting, the  
1572 association is not required to allow nominations at the meeting.  
1573 An election is not required unless more candidates are nominated  
1574 than vacancies exist. If an election is not required because  
1575 there are either an equal number or fewer qualified candidates  
1576 than vacancies exist, and if nominations from the floor are not  
1577 required pursuant to this section or the bylaws, write-in  
1578 nominations are not permitted and such qualified candidates  
1579 shall commence service on the board of directors, regardless of  
1580 whether a quorum is attained at the annual meeting. Except as  
1581 otherwise provided in the governing documents, boards of  
1582 directors must be elected by a plurality of the votes cast by  
1583 eligible voters. Any challenge to the election process must be

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1584 commenced within 60 days after the election results are  
1585 announced.

1586 Section 15. Paragraph (b) of subsection (3) of section  
1587 720.3085, Florida Statutes, is amended to read:

1588 720.3085 Payment for assessments; lien claims.—

1589 (3) Assessments and installments on assessments that are  
1590 not paid when due bear interest from the due date until paid at  
1591 the rate provided in the declaration of covenants or the bylaws  
1592 of the association, which rate may not exceed the rate allowed  
1593 by law. If no rate is provided in the declaration or bylaws,  
1594 interest accrues at the rate of 18 percent per year.

1595 (b) Any payment received by an association and accepted  
1596 shall be applied first to any interest accrued, then to any  
1597 administrative late fee, then to any costs and reasonable  
1598 attorney fees incurred in collection, and then to the delinquent  
1599 assessment. This paragraph applies notwithstanding any  
1600 restrictive endorsement, designation, or instruction placed on  
1601 or accompanying a payment. A late fee is not subject to the  
1602 provisions of chapter 687 and is not a fine. The foregoing is  
1603 applicable notwithstanding s. 673.3111, any purported accord and  
1604 satisfaction, or any restrictive endorsement, designation, or  
1605 instruction placed on or accompanying a payment. The preceding  
1606 sentence is intended to clarify existing law.

1607 Section 16. This act shall take effect July 1, 2018.

1608

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to community associations; amending s.  
718.111, F.S.; revising condominium association  
recordkeeping and financial reporting requirements;  
revising record retention policies; revising the list  
of documents that the association is required to post  
online; limiting an association's liability for  
inadvertent disclosure of protected or restricted  
information; amending s. 718.112, F.S.; revising  
provisions relating to required association bylaws;  
removing board term limits; authorizing an association  
to adopt rules for posting certain notices on a  
website; providing responsibilities for unit owners  
who receive electronic notices; revising and providing  
board member recall and challenge requirements;  
authorizing the recovery of attorney fees and costs in  
an action to challenge the validity of a board member  
recall; amending s. 718.113, F.S.; revising voting  
requirements relating to alterations and additions to  
certain common elements or association property;  
amending s. 718.3026, F.S.; removing a provision  
relating to certain contracts or transactions  
regarding conflicts of interest; amending s. 718.3027,

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1634 F.S.; providing requirements for proposed activity  
1635 that is identified as a conflict of interest; amending  
1636 s. 718.303, F.S.; revising fine and suspension  
1637 requirements; amending s. 718.707, F.S.; revising the  
1638 time period for classification as a bulk assignee or  
1639 bulk buyer; amending s. 719.104, F.S.; revising  
1640 cooperative association recordkeeping requirements;  
1641 amending s. 719.106, F.S.; revising requirements to  
1642 serve as a board member; prohibiting a board member  
1643 from voting via e-mail; authorizing an association to  
1644 adopt rules for posting certain notices on a website;  
1645 providing responsibilities for unit owners who receive  
1646 electronic notices; providing that directors or  
1647 officers who are delinquent in certain payments owed  
1648 in excess of certain periods of time be deemed to have  
1649 abandoned their offices; amending s. 719.107, F.S.;  
1650 specifying that certain services which are obtained  
1651 pursuant to a bulk contract are deemed a common  
1652 expense; amending s. 719.303, F.S.; revising fine and  
1653 suspension requirements; amending s. 720.303, F.S.;  
1654 prohibiting a board member from voting via e-mail;  
1655 amending s. 720.305, F.S.; revising fine and  
1656 suspension requirements; amending s. 720.306, F.S.;  
1657 revising election requirements; amending s. 720.3085,

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1658 | F.S.; providing applicability; providing an effective  
1659 | date.