

1 A bill to be entitled
2 An act relating to community associations; amending s.
3 194.011, F.S.; specifying that a condominium,
4 cooperative, or homeowners' association may represent
5 unit or parcel owners in certain proceedings; amending
6 s. 194.181, F.S.; specifying that a condominium,
7 cooperative, or homeowners' association may be a party
8 to an action contesting the assessment of ad valorem
9 taxes; amending s. 718.111, F.S.; revising condominium
10 association recordkeeping and financial reporting
11 requirements; revising record retention policies;
12 revising the list of documents that the association is
13 required to post online; limiting an association's
14 liability for inadvertent disclosure of protected or
15 restricted information; amending s. 718.112, F.S.;
16 revising provisions relating to required association
17 bylaws; revising board term limits; authorizing an
18 association to adopt rules for posting certain notices
19 on a website; providing responsibilities for unit
20 owners who receive electronic notices; revising and
21 providing board member recall and challenge
22 requirements; authorizing the recovery of attorney
23 fees and costs in an action to challenge the validity
24 of a board member recall; amending s. 718.113, F.S.;
25 revising voting requirements relating to alterations

26 and additions to certain common elements or
27 association property; providing legislative findings;
28 providing that an association may not prohibit a unit
29 owner from installing an electronic vehicle charging
30 station; providing requirements for installing such
31 charging station; amending s. 718.121, F.S.; providing
32 when the installation of an electronic vehicle
33 charging station may be the basis of a lien; amending
34 s. 718.3026, F.S.; removing a provision relating to
35 certain contracts or transactions regarding conflicts
36 of interest; amending s. 718.3027, F.S.; providing
37 requirements for proposed activity that is identified
38 as a conflict of interest; amending s. 718.303, F.S.;
39 revising fine and suspension requirements; amending s.
40 718.707, F.S.; revising the time period for
41 classification as a bulk assignee or bulk buyer;
42 amending s. 719.104, F.S.; revising cooperative
43 association recordkeeping requirements; amending s.
44 719.106, F.S.; revising requirements to serve as a
45 board member; prohibiting a board member from voting
46 via e-mail; authorizing an association to adopt rules
47 for posting certain notices on a website; providing
48 responsibilities for unit owners who receive
49 electronic notices; providing that directors or
50 officers who are delinquent in certain payments owed

51 in excess of certain periods of time be deemed to have
 52 abandoned their offices; amending s. 719.107, F.S.;
 53 specifying that certain services which are obtained
 54 pursuant to a bulk contract are deemed a common
 55 expense; amending s. 719.303, F.S.; revising fine and
 56 suspension requirements; amending s. 720.303, F.S.;
 57 prohibiting a board member from voting via e-mail;
 58 amending s. 720.305, F.S.; revising fine and
 59 suspension requirements; amending s. 720.306, F.S.;
 60 requiring an association to follow certain procedures
 61 when amending a governing document; providing
 62 limitations on associations when a parcel owner
 63 attempts to rent or lease his or her home; requiring
 64 certain notices to parcel owners be delivered in
 65 specified ways; revising election requirements;
 66 amending s. 720.3085, F.S.; providing applicability;
 67 providing an effective date.

68
 69 Be It Enacted by the Legislature of the State of Florida:

70
 71 Section 1. Paragraph (e) of subsection (3) of section
 72 194.011, Florida Statutes, is amended to read:

73 194.011 Assessment notice; objections to assessments.—

74 (3) A petition to the value adjustment board must be in
 75 substantially the form prescribed by the department.

76 | Notwithstanding s. 195.022, a county officer may not refuse to
77 | accept a form provided by the department for this purpose if the
78 | taxpayer chooses to use it. A petition to the value adjustment
79 | board must be signed by the taxpayer or be accompanied at the
80 | time of filing by the taxpayer's written authorization or power
81 | of attorney, unless the person filing the petition is listed in
82 | s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
83 | petition with a value adjustment board without the taxpayer's
84 | signature or written authorization by certifying under penalty
85 | of perjury that he or she has authorization to file the petition
86 | on behalf of the taxpayer. If a taxpayer notifies the value
87 | adjustment board that a petition has been filed for the
88 | taxpayer's property without his or her consent, the value
89 | adjustment board may require the person filing the petition to
90 | provide written authorization from the taxpayer authorizing the
91 | person to proceed with the appeal before a hearing is held. If
92 | the value adjustment board finds that a person listed in s.
93 | 194.034(1)(a) willfully and knowingly filed a petition that was
94 | not authorized by the taxpayer, the value adjustment board shall
95 | require such person to provide the taxpayer's written
96 | authorization for representation to the value adjustment board
97 | clerk before any petition filed by that person is heard, for 1
98 | year after imposition of such requirement by the value
99 | adjustment board. A power of attorney or written authorization
100 | is valid for 1 assessment year, and a new power of attorney or

101 written authorization by the taxpayer is required for each
 102 subsequent assessment year. A petition shall also describe the
 103 property by parcel number and shall be filed as follows:

104 (e)1. A condominium association as defined in s. 718.103,
 105 a cooperative association as defined in s. 719.103, or any
 106 homeowners' association as defined in s. 723.075, with approval
 107 of its board of administration or directors, may file with the
 108 value adjustment board a single joint petition on behalf of any
 109 association members who own units or parcels of property which
 110 the property appraiser determines are substantially similar with
 111 respect to location, proximity to amenities, number of rooms,
 112 living area, and condition. The condominium association,
 113 cooperative association, or homeowners' association ~~as defined~~
 114 ~~in s. 723.075~~ shall provide the unit or parcel owners with
 115 notice of its intent to petition the value adjustment board and
 116 shall provide at least 20 days for a unit or parcel owner to
 117 elect, in writing, that his or her unit or parcel not be
 118 included in the petition.

119 2. An association that has filed a single joint petition
 120 may continue to represent the unit or parcel owners through any
 121 related subsequent proceeding, including judicial review under
 122 part II of this chapter and any appeal thereof. This
 123 subparagraph is intended to clarify existing law and applies to
 124 any pending action.

125 Section 2. Subsection (2) of section 194.181, Florida

126 Statutes, is amended to read:

127 194.181 Parties to a tax suit.—

128 (2) In any case brought by the taxpayer, or brought by a
 129 condominium or cooperative ~~or~~ association on behalf of some or
 130 all owners, contesting the assessment of any property, the
 131 county property appraiser shall be party defendant. In any case
 132 brought by the property appraiser pursuant to s. 194.036(1) (a)
 133 or (b), the taxpayer, condominium association, or cooperative
 134 association shall be party defendant. In any case brought by the
 135 property appraiser pursuant to s. 194.036(1) (c), the value
 136 adjustment board shall be party defendant.

137 Section 3. Subsection (3), paragraphs (a), (b), and (g) of
 138 subsection (12), and paragraph (e) of subsection (13) of section
 139 718.111, Florida Statutes, are amended to read:

140 718.111 The association.—

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

143 (a) The association may contract, sue, or be sued with
 144 respect to the exercise or nonexercise of its powers. For these
 145 purposes, the powers of the association include, but are not
 146 limited to, the maintenance, management, and operation of the
 147 condominium property.

148 (b) After control of the association is obtained by unit
 149 owners other than the developer, the association may:

150 1. Institute, maintain, settle, or appeal actions or

151 | hearings in its name on behalf of all unit owners concerning
152 | matters of common interest to most or all unit owners,
153 | including, but not limited to, the common elements; the roof and
154 | structural components of a building or other improvements;
155 | mechanical, electrical, and plumbing elements serving an
156 | improvement or a building; representations of the developer
157 | pertaining to any existing or proposed commonly used facilities;

158 | 2. Protest ~~and protesting~~ ad valorem taxes on commonly
159 | used facilities and on units; ~~and may~~

160 | 3. Defend actions pertaining to ad valorem taxation of
161 | commonly used facilities or units, or related to ~~in~~ eminent
162 | domain; or

163 | 4. Bring inverse condemnation actions.

164 | (c) If the association has the authority to maintain a
165 | class action, the association may be joined in an action as
166 | representative of that class with reference to litigation and
167 | disputes involving the matters for which the association could
168 | bring a class action.

169 | (d) The association, in its own name, or on behalf of some
170 | or all unit owners, may institute, file, protest, maintain, or
171 | defend any administrative challenge, lawsuit, appeal, or other
172 | challenge to ad valorem taxes assessed on units or that values
173 | commonly used facilities or common elements. The affected
174 | association members are not necessary or indispensable parties
175 | to any such action. This paragraph is intended to clarify

176 existing law and applies to any pending action.

177 (e) Nothing herein limits any statutory or common-law
 178 right of any individual unit owner or class of unit owners to
 179 bring any action without participation by the association which
 180 may otherwise be available.

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

183 (12) OFFICIAL RECORDS.—

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

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

189 2. A photocopy of the recorded declaration of condominium
 190 of each condominium operated by the association and each
 191 amendment to each declaration.

192 3. A photocopy of the recorded bylaws of the association
 193 and each amendment to the bylaws.

194 4. A certified copy of the articles of incorporation of
 195 the association, or other documents creating the association,
 196 and each amendment thereto.

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

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

201 ~~years.~~

202 7. A current roster of all unit owners and their mailing
 203 addresses, unit identifications, voting certifications, and, if
 204 known, telephone numbers. The association shall also maintain
 205 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
 206 unit owners consenting to receive notice by electronic
 207 transmission. The e-mail ~~electronic mailing~~ addresses and
 208 facsimile numbers are not accessible to unit owners if consent
 209 to receive notice by electronic transmission is not provided in
 210 accordance with sub-subparagraph (c)3.e. However, the
 211 association is not liable for an inadvertent disclosure of the
 212 e-mail ~~electronic mail~~ address or facsimile number for receiving
 213 electronic transmission of notices.

214 8. All current insurance policies of the association and
 215 condominiums operated by the association.

216 9. A current copy of any management agreement, lease, or
 217 other contract to which the association is a party or under
 218 which the association or the unit owners have an obligation or
 219 responsibility.

220 10. Bills of sale or transfer for all property owned by
 221 the association.

222 11. Accounting records for the association and separate
 223 accounting records for each condominium that the association
 224 operates. ~~All accounting records must be maintained for at least~~
 225 ~~7 years.~~ Any person who knowingly or intentionally defaces or

226 destroys such records, or who knowingly or intentionally fails
 227 to create or maintain such records, with the intent of causing
 228 harm to the association or one or more of its members, is
 229 personally subject to a civil penalty pursuant to s.

230 718.501(1)(d). The accounting records must include, but are not
 231 limited to:

232 a. Accurate, itemized, and detailed records of all
 233 receipts and expenditures.

234 b. A current account and a monthly, bimonthly, or
 235 quarterly statement of the account for each unit designating the
 236 name of the unit owner, the due date and amount of each
 237 assessment, the amount paid on the account, and the balance due.

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

240 d. All contracts for work to be performed. Bids for work
 241 to be performed are also considered official records and must be
 242 maintained by the association.

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

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

250 14. A copy of the current question and answer sheet as

251 described in s. 718.504.

252 15. All other written records of the association not
253 specifically included in the foregoing which are related to the
254 operation of the association.

255 16. A copy of the inspection report as described in s.
256 718.301(4)(p).

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

258 (b) The official records specified in subparagraphs (a)1.-
259 6. must be permanently maintained from the inception of the
260 association. All other official records of the association must
261 be maintained within the state for at least 7 years, unless
262 otherwise provided by general law. The records of the
263 association shall be made available to a unit owner within 45
264 miles of the condominium property or within the county in which
265 the condominium property is located within 10 ~~5~~ working days
266 after receipt of a written request by the board or its designee.
267 However, such distance requirement does not apply to an
268 association governing a timeshare condominium. This paragraph
269 may be complied with by having a copy of the official records of
270 the association available for inspection or copying on the
271 condominium property or association property, or the association
272 may offer the option of making the records available to a unit
273 owner electronically via the Internet or by allowing the records
274 to be viewed in electronic format on a computer screen and
275 printed upon request. The association is not responsible for the

276 use or misuse of the information provided to an association
277 member or his or her authorized representative pursuant to the
278 compliance requirements of this chapter unless the association
279 has an affirmative duty not to disclose such information
280 pursuant to this chapter.

281 (g)1. By January ~~July~~ 1, 2019 ~~2018~~, an association
282 managing a condominium with 150 or more units which does not
283 contain ~~manage~~ timeshare units shall post digital copies of the
284 documents specified in subparagraph 2. on its website.

285 a. The association's website must be:

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

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

294 b. The association's website must be accessible through
295 the Internet and must contain a subpage, web portal, or other
296 protected electronic location that is inaccessible to the
297 general public and accessible only to unit owners and employees
298 of the association.

299 c. Upon a unit owner's written request, the association
300 must provide the unit owner with a username and password and

301 access to the protected sections of the association's website
302 that contain any notices, records, or documents that must be
303 electronically provided.

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

306 a. The recorded declaration of condominium of each
307 condominium operated by the association and each amendment to
308 each declaration.

309 b. The recorded bylaws of the association and each
310 amendment to the bylaws.

311 c. The articles of incorporation of the association, or
312 other documents creating the association, and each amendment
313 thereto. The copy posted pursuant to this sub-subparagraph must
314 be a copy of the articles of incorporation filed with the
315 Department of State.

316 d. The rules of the association.

317 e. A list of all executory contracts or documents ~~Any~~
318 ~~management agreement, lease, or other contract~~ to which the
319 association is a party or under which the association or the
320 unit owners have an obligation or responsibility and, after
321 bidding for the related materials, equipment, or services has
322 closed, a list of bids received by the association within the
323 past year. Summaries of bids for materials, equipment, or
324 services which exceed \$500 must be maintained on the website for
325 1 year. In lieu of summaries, complete copies of the bids may be

326 posted.

327 f. The annual budget required by s. 718.112(2)(f) and any

328 proposed budget to be considered at the annual meeting.

329 g. The financial report required by subsection (13) and

330 any monthly income or expense statement ~~proposed financial~~

331 ~~report~~ to be considered at a meeting.

332 h. The certification of each director required by s.

333 718.112(2)(d)4.b.

334 i. All contracts or transactions between the association

335 and any director, officer, corporation, firm, or association

336 that is not an affiliated condominium association or any other

337 entity in which an association director is also a director or

338 officer and financially interested.

339 j. Any contract or document regarding a conflict of

340 interest or possible conflict of interest as provided in ss.

341 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

342 k. The notice of any unit owner meeting and the agenda for

343 the meeting, as required by s. 718.112(2)(d)3., no later than 14

344 days before the meeting. The notice must be posted in plain view

345 on the front page of the website, or on a separate subpage of

346 the website labeled "Notices" which is conspicuously visible and

347 linked from the front page. The association must also post on

348 its website any document to be considered and voted on by the

349 owners during the meeting or any document listed on the agenda

350 at least 7 days before the meeting at which the document or the

351 information within the document will be considered.

352 1. Notice of any board meeting, the agenda, and any other
353 document required for the meeting as required by s.
354 718.112(2)(c), which must be posted no later than the date
355 required for notice pursuant to s. 718.112(2)(c).

356 3. The association shall ensure that the information and
357 records described in paragraph (c), which are not allowed
358 ~~permitted~~ to be accessible to unit owners, are not posted on the
359 association's website. If protected information or information
360 restricted from being accessible to unit owners is included in
361 documents that are required to be posted on the association's
362 website, the association shall ensure the information is
363 redacted before posting the documents online. Notwithstanding
364 the foregoing, the association or its agent is not liable for
365 disclosing information that is protected or restricted pursuant
366 to this paragraph unless such disclosure was made with a knowing
367 or intentional disregard of the protected or restricted nature
368 of such information.

369 4. The failure of the association to post information
370 required under subparagraph 2. is not in and of itself
371 sufficient to invalidate any action or decision of the
372 association's board or its committees.

373 (13) FINANCIAL REPORTING.—Within 90 days after the end of
374 the fiscal year, or annually on a date provided in the bylaws,
375 the association shall prepare and complete, or contract for the

376 preparation and completion of, a financial report for the
377 preceding fiscal year. Within 21 days after the final financial
378 report is completed by the association or received from the
379 third party, but not later than 120 days after the end of the
380 fiscal year or other date as provided in the bylaws, the
381 association shall mail to each unit owner at the address last
382 furnished to the association by the unit owner, or hand deliver
383 to each unit owner, a copy of the most recent financial report
384 or a notice that a copy of the most recent financial report will
385 be mailed or hand delivered to the unit owner, without charge,
386 within 5 business days after receipt of a written request from
387 the unit owner. The division shall adopt rules setting forth
388 uniform accounting principles and standards to be used by all
389 associations and addressing the financial reporting requirements
390 for multicondominium associations. The rules must include, but
391 not be limited to, standards for presenting a summary of
392 association reserves, including a good faith estimate disclosing
393 the annual amount of reserve funds that would be necessary for
394 the association to fully fund reserves for each reserve item
395 based on the straight-line accounting method. This disclosure is
396 not applicable to reserves funded via the pooling method. In
397 adopting such rules, the division shall consider the number of
398 members and annual revenues of an association. Financial reports
399 shall be prepared as follows:

400 (e) A unit owner may provide written notice to the

401 division of the association's failure to mail or hand deliver
402 him or her a copy of the most recent financial report within 5
403 business days after he or she submitted a written request to the
404 association for a copy of such report. If the division
405 determines that the association failed to mail or hand deliver a
406 copy of the most recent financial report to the unit owner, the
407 division shall provide written notice to the association that
408 the association must mail or hand deliver a copy of the most
409 recent financial report to the unit owner and the division
410 within 5 business days after it receives such notice from the
411 division. An association that fails to comply with the
412 division's request may not waive the financial reporting
413 requirement provided in paragraph (d) for the fiscal year in
414 which the unit owner's request was made and the following fiscal
415 year. A financial report received by the division pursuant to
416 this paragraph shall be maintained, and the division shall
417 provide a copy of such report to an association member upon his
418 or her request.

419 Section 4. Paragraphs (a), (c), (d), and (j) of subsection
420 (2) of section 718.112, Florida Statutes, are amended to read:

421 718.112 Bylaws.—

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

425 (a) Administration.—

426 1. The form of administration of the association shall be
427 described indicating the title of the officers and board of
428 administration and specifying the powers, duties, manner of
429 selection and removal, and compensation, if any, of officers and
430 boards. In the absence of such a provision, the board of
431 administration shall be composed of five members, unless the
432 ~~except in the case of a condominium which~~ has five or fewer
433 units. The board shall consist of not fewer than three members
434 in condominiums with five or fewer units that are not-for-profit
435 corporations, ~~in which case in a not for profit corporation the~~
436 ~~board shall consist of not fewer than three members.~~ In the
437 absence of provisions to the contrary in the bylaws, the board
438 of administration shall have a president, a secretary, and a
439 treasurer, who shall perform the duties of such officers
440 customarily performed by officers of corporations. Unless
441 prohibited in the bylaws, the board of administration may
442 appoint other officers and grant them the duties it deems
443 appropriate. Unless otherwise provided in the bylaws, the
444 officers shall serve without compensation and at the pleasure of
445 the board of administration. Unless otherwise provided in the
446 bylaws, the members of the board shall serve without
447 compensation.

448 2. When a unit owner of a residential condominium files a
449 written inquiry by certified mail with the board of
450 administration, the board shall respond in writing to the unit

451 owner within 30 days after receipt of the inquiry. The board's
452 response shall either give a substantive response to the
453 inquirer, notify the inquirer that a legal opinion has been
454 requested, or notify the inquirer that advice has been requested
455 from the division. If the board requests advice from the
456 division, the board shall, within 10 days after its receipt of
457 the advice, provide in writing a substantive response to the
458 inquirer. If a legal opinion is requested, the board shall,
459 within 60 days after the receipt of the inquiry, provide in
460 writing a substantive response to the inquiry. The failure to
461 provide a substantive response to the inquiry as provided herein
462 precludes the board from recovering attorney fees and costs in
463 any subsequent litigation, administrative proceeding, or
464 arbitration arising out of the inquiry. The association may
465 through its board of administration adopt reasonable rules and
466 regulations regarding the frequency and manner of responding to
467 unit owner inquiries, one of which may be that the association
468 is only obligated to respond to one written inquiry per unit in
469 any given 30-day period. In such a case, any additional inquiry
470 or inquiries must be responded to in the subsequent 30-day
471 period, or periods, as applicable.

472 (c) Board of administration meetings.—Meetings of the
473 board of administration at which a quorum of the members is
474 present are open to all unit owners. Members of the board of
475 administration may use e-mail as a means of communication but

476 | may not cast a vote on an association matter via e-mail. A unit
477 | owner may tape record or videotape the meetings. The right to
478 | attend such meetings includes the right to speak at such
479 | meetings with reference to all designated agenda items. The
480 | division shall adopt reasonable rules governing the tape
481 | recording and videotaping of the meeting. The association may
482 | adopt written reasonable rules governing the frequency,
483 | duration, and manner of unit owner statements.

484 | 1. Adequate notice of all board meetings, which must
485 | specifically identify all agenda items, must be posted
486 | conspicuously on the condominium property at least 48 continuous
487 | hours before the meeting except in an emergency. If 20 percent
488 | of the voting interests petition the board to address an item of
489 | business, the board, within 60 days after receipt of the
490 | petition, shall place the item on the agenda at its next regular
491 | board meeting or at a special meeting called for that purpose.
492 | An item not included on the notice may be taken up on an
493 | emergency basis by a vote of at least a majority plus one of the
494 | board members. Such emergency action must be noticed and
495 | ratified at the next regular board meeting. ~~However,~~ Written
496 | notice of a meeting at which a nonemergency special assessment
497 | or an amendment to rules regarding unit use will be considered
498 | must be mailed, delivered, or electronically transmitted to the
499 | unit owners and posted conspicuously on the condominium property
500 | at least 14 days before the meeting. Evidence of compliance with

501 this 14-day notice requirement must be made by an affidavit
502 executed by the person providing the notice and filed with the
503 official records of the association. Notice of any meeting in
504 which regular or special assessments against unit owners are to
505 be considered must specifically state that assessments will be
506 considered and provide the estimated cost and description of the
507 purposes for such assessments. Upon notice to the unit owners,
508 the board shall, by duly adopted rule, designate a specific
509 location on the condominium ~~or association~~ property where all
510 notices of board meetings must be posted. If there is no
511 condominium property ~~or association property~~ where notices can
512 be posted, notices shall be mailed, delivered, or electronically
513 transmitted to each unit owner at least 14 days before the
514 meeting. In lieu of or in addition to the physical posting of
515 the notice on the condominium property, the association may, by
516 reasonable rule, adopt a procedure for conspicuously posting and
517 repeatedly broadcasting the notice and the agenda on a closed-
518 circuit cable television system serving the condominium
519 association. However, if broadcast notice is used in lieu of a
520 notice physically posted on condominium property, the notice and
521 agenda must be broadcast at least four times every broadcast
522 hour of each day that a posted notice is otherwise required
523 under this section. If broadcast notice is provided, the notice
524 and agenda must be broadcast in a manner and for a sufficient
525 continuous length of time so as to allow an average reader to

526 observe the notice and read and comprehend the entire content of
527 the notice and the agenda. In addition to any of the authorized
528 means of providing notice of a meeting of the board, the
529 association may, by rule, adopt a procedure for conspicuously
530 posting the meeting notice and the agenda on a website serving
531 the condominium association for at least the minimum period of
532 time for which a notice of a meeting is also required to be
533 physically posted on the condominium property. Any rule adopted
534 shall, in addition to other matters, include a requirement that
535 the association send an electronic notice in the same manner as
536 a notice for a meeting of the members, which must include a
537 hyperlink to the website where the notice is posted, to unit
538 owners whose e-mail addresses are included in the association's
539 official records. ~~Notice of any meeting in which regular or~~
540 ~~special assessments against unit owners are to be considered~~
541 ~~must specifically state that assessments will be considered and~~
542 ~~provide the nature, estimated cost, and description of the~~
543 ~~purposes for such assessments.~~

544 2. Meetings of a committee to take final action on behalf
545 of the board or make recommendations to the board regarding the
546 association budget are subject to this paragraph. Meetings of a
547 committee that does not take final action on behalf of the board
548 or make recommendations to the board regarding the association
549 budget are subject to this section, unless those meetings are
550 exempted from this section by the bylaws of the association.

551 3. Notwithstanding any other law, the requirement that
 552 board meetings and committee meetings be open to the unit owners
 553 does not apply to:

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

558 b. Board meetings held for the purpose of discussing
 559 personnel matters.

560 (d) Unit owner meetings.—

561 1. An annual meeting of the unit owners must ~~shall~~ be held
 562 at the location provided in the association bylaws and, if the
 563 bylaws are silent as to the location, the meeting must ~~shall~~ be
 564 held within 45 miles of the condominium property. However, such
 565 distance requirement does not apply to an association governing
 566 a timeshare condominium.

567 2. Unless the bylaws provide otherwise, a vacancy on the
 568 board caused by the expiration of a director's term must ~~shall~~
 569 be filled by electing a new board member, and the election must
 570 be by secret ballot. An election is not required if the number
 571 of vacancies equals or exceeds the number of candidates. For
 572 purposes of this paragraph, the term "candidate" means an
 573 eligible person who has timely submitted the written notice, as
 574 described in sub-subparagraph 4.a., of his or her intention to
 575 become a candidate. Except in a timeshare or nonresidential

576 condominium, or if the staggered term of a board member does not
577 expire until a later annual meeting, or if all members' terms
578 would otherwise expire but there are no candidates, the terms of
579 all board members expire at the annual meeting, and such members
580 may stand for reelection unless prohibited by the bylaws. Board
581 members may serve ~~2-year~~ terms longer than 1 year if permitted
582 by the bylaws or articles of incorporation. A board member may
583 not serve more than 8 consecutive years ~~four consecutive 2-year~~
584 ~~terms~~, unless approved by an affirmative vote of unit owners
585 representing two-thirds of all votes cast in the election ~~the~~
586 ~~total voting interests of the association~~ or unless there are
587 not enough eligible candidates to fill the vacancies on the
588 board at the time of the vacancy. If the number of board members
589 whose terms expire at the annual meeting equals or exceeds the
590 number of candidates, the candidates become members of the board
591 effective upon the adjournment of the annual meeting. Unless the
592 bylaws provide otherwise, any remaining vacancies shall be
593 filled by the affirmative vote of the majority of the directors
594 making up the newly constituted board even if the directors
595 constitute less than a quorum or there is only one director. In
596 a residential condominium association of more than 10 units or
597 in a residential condominium association that does not include
598 timeshare units or timeshare interests, coowners of a unit may
599 not serve as members of the board of directors at the same time
600 unless they own more than one unit or unless there are not

601 enough eligible candidates to fill the vacancies on the board at
602 the time of the vacancy. A unit owner in a residential
603 condominium desiring to be a candidate for board membership must
604 comply with sub-subparagraph 4.a. and must be eligible to be a
605 candidate to serve on the board of directors at the time of the
606 deadline for submitting a notice of intent to run in order to
607 have his or her name listed as a proper candidate on the ballot
608 or to serve on the board. A person who has been suspended or
609 removed by the division under this chapter, or who is delinquent
610 in the payment of any monetary obligation due to the
611 association, is not eligible to be a candidate for board
612 membership and may not be listed on the ballot. A person who has
613 been convicted of any felony in this state or in a United States
614 District or Territorial Court, or who has been convicted of any
615 offense in another jurisdiction which would be considered a
616 felony if committed in this state, is not eligible for board
617 membership unless such felon's civil rights have been restored
618 for at least 5 years as of the date such person seeks election
619 to the board. The validity of an action by the board is not
620 affected if it is later determined that a board member is
621 ineligible for board membership due to having been convicted of
622 a felony. This subparagraph does not limit the term of a member
623 of the board of a nonresidential or timeshare condominium.

624 3. The bylaws must provide the method of calling meetings
625 of unit owners, including annual meetings. Written notice must

626 include an agenda, must be mailed, hand delivered, or
627 electronically transmitted to each unit owner at least 14 days
628 before the annual meeting, and must be posted in a conspicuous
629 place on the condominium property at least 14 continuous days
630 before the annual meeting. Upon notice to the unit owners, the
631 board shall, by duly adopted rule, designate a specific location
632 on the condominium property ~~or association property~~ where all
633 notices of unit owner meetings must ~~shall~~ be posted. This
634 requirement does not apply if there is no condominium property
635 ~~or association property~~ for posting notices. In lieu of, or in
636 addition to, the physical posting of meeting notices, the
637 association may, by reasonable rule, adopt a procedure for
638 conspicuously posting and repeatedly broadcasting the notice and
639 the agenda on a closed-circuit cable television system serving
640 the condominium association. However, if broadcast notice is
641 used in lieu of a notice posted physically on the condominium
642 property, the notice and agenda must be broadcast at least four
643 times every broadcast hour of each day that a posted notice is
644 otherwise required under this section. If broadcast notice is
645 provided, the notice and agenda must be broadcast in a manner
646 and for a sufficient continuous length of time so as to allow an
647 average reader to observe the notice and read and comprehend the
648 entire content of the notice and the agenda. In addition to any
649 of the authorized means of providing notice of a meeting of the
650 board, the association may, by rule, adopt a procedure for

651 conspicuously posting the meeting notice and the agenda on a
652 website serving the condominium association for at least the
653 minimum period of time for which a notice of a meeting is also
654 required to be physically posted on the condominium property.
655 Any rule adopted shall, in addition to other matters, include a
656 requirement that the association send an electronic notice in
657 the same manner as a notice for a meeting of the members, which
658 must include a hyperlink to the website where the notice is
659 posted, to unit owners whose e-mail addresses are included in
660 the association's official records. Unless a unit owner waives
661 in writing the right to receive notice of the annual meeting,
662 such notice must be hand delivered, mailed, or electronically
663 transmitted to each unit owner. Notice for meetings and notice
664 for all other purposes must be mailed to each unit owner at the
665 address last furnished to the association by the unit owner, or
666 hand delivered to each unit owner. However, if a unit is owned
667 by more than one person, the association must provide notice to
668 the address that the developer identifies for that purpose and
669 thereafter as one or more of the owners of the unit advise the
670 association in writing, or if no address is given or the owners
671 of the unit do not agree, to the address provided on the deed of
672 record. An officer of the association, or the manager or other
673 person providing notice of the association meeting, must provide
674 an affidavit or United States Postal Service certificate of
675 mailing, to be included in the official records of the

676 association affirming that the notice was mailed or hand
677 delivered in accordance with this provision.

678 4. The members of the board of a residential condominium
679 shall be elected by written ballot or voting machine. Proxies
680 may not be used in electing the board in general elections or
681 elections to fill vacancies caused by recall, resignation, or
682 otherwise, unless otherwise provided in this chapter. This
683 subparagraph does not apply to an association governing a
684 timeshare condominium.

685 a. At least 60 days before a scheduled election, the
686 association shall mail, deliver, or electronically transmit, by
687 separate association mailing or included in another association
688 mailing, delivery, or transmission, including regularly
689 published newsletters, to each unit owner entitled to a vote, a
690 first notice of the date of the election. A unit owner or other
691 eligible person desiring to be a candidate for the board must
692 give written notice of his or her intent to be a candidate to
693 the association at least 40 days before a scheduled election.
694 Together with the written notice and agenda as set forth in
695 subparagraph 3., the association shall mail, deliver, or
696 electronically transmit a second notice of the election to all
697 unit owners entitled to vote, together with a ballot that lists
698 all candidates. Upon request of a candidate, an information
699 sheet, no larger than 8 1/2 inches by 11 inches, which must be
700 furnished by the candidate at least 35 days before the election,

701 must be included with the mailing, delivery, or transmission of
702 the ballot, with the costs of mailing, delivery, or electronic
703 transmission and copying to be borne by the association. The
704 association is not liable for the contents of the information
705 sheets prepared by the candidates. In order to reduce costs, the
706 association may print or duplicate the information sheets on
707 both sides of the paper. The division shall by rule establish
708 voting procedures consistent with this sub-subparagraph,
709 including rules establishing procedures for giving notice by
710 electronic transmission and rules providing for the secrecy of
711 ballots. Elections shall be decided by a plurality of ballots
712 cast. There is no quorum requirement; however, at least 20
713 percent of the eligible voters must cast a ballot in order to
714 have a valid election. A unit owner may not authorize ~~permit~~ any
715 other person to vote his or her ballot, and any ballots
716 improperly cast are invalid. A unit owner who violates this
717 provision may be fined by the association in accordance with s.
718 718.303. A unit owner who needs assistance in casting the ballot
719 for the reasons stated in s. 101.051 may obtain such assistance.
720 The regular election must occur on the date of the annual
721 meeting. Notwithstanding this sub-subparagraph, an election is
722 not required unless more candidates file notices of intent to
723 run or are nominated than board vacancies exist.

724 b. Within 90 days after being elected or appointed to the
725 board of an association of a residential condominium, each newly

726 | elected or appointed director shall certify in writing to the
727 | secretary of the association that he or she has read the
728 | association's declaration of condominium, articles of
729 | incorporation, bylaws, and current written policies; that he or
730 | she will work to uphold such documents and policies to the best
731 | of his or her ability; and that he or she will faithfully
732 | discharge his or her fiduciary responsibility to the
733 | association's members. In lieu of this written certification,
734 | within 90 days after being elected or appointed to the board,
735 | the newly elected or appointed director may submit a certificate
736 | of having satisfactorily completed the educational curriculum
737 | administered by a division-approved condominium education
738 | provider within 1 year before or 90 days after the date of
739 | election or appointment. The written certification or
740 | educational certificate is valid and does not have to be
741 | resubmitted as long as the director serves on the board without
742 | interruption. A director of an association of a residential
743 | condominium who fails to timely file the written certification
744 | or educational certificate is suspended from service on the
745 | board until he or she complies with this sub-subparagraph. The
746 | board may temporarily fill the vacancy during the period of
747 | suspension. The secretary shall cause the association to retain
748 | a director's written certification or educational certificate
749 | for inspection by the members for 5 years after a director's
750 | election or the duration of the director's uninterrupted tenure,

751 whichever is longer. Failure to have such written certification
752 or educational certificate on file does not affect the validity
753 of any board action.

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

756 5. Any approval by unit owners called for by this chapter
757 or the applicable declaration or bylaws, including, but not
758 limited to, the approval requirement in s. 718.111(8), must be
759 made at a duly noticed meeting of unit owners and is subject to
760 all requirements of this chapter or the applicable condominium
761 documents relating to unit owner decisionmaking, except that
762 unit owners may take action by written agreement, without
763 meetings, on matters for which action by written agreement
764 without meetings is expressly allowed by the applicable bylaws
765 or declaration or any law that provides for such action.

766 6. Unit owners may waive notice of specific meetings if
767 allowed by the applicable bylaws or declaration or any law.
768 Notice of meetings of the board of administration, unit owner
769 meetings, except unit owner meetings called to recall board
770 members under paragraph (j), and committee meetings may be given
771 by electronic transmission to unit owners who consent to receive
772 notice by electronic transmission. A unit owner who consents to
773 receiving notices by electronic transmission is solely
774 responsible for removing or bypassing filters that block receipt
775 of mass emails sent to members on behalf of the association in

776 the course of giving electronic notices.

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

781 8. A unit owner may tape record or videotape a meeting of
782 the unit owners subject to reasonable rules adopted by the
783 division.

784 9. Unless otherwise provided in the bylaws, any vacancy
785 occurring on the board before the expiration of a term may be
786 filled by the affirmative vote of the majority of the remaining
787 directors, even if the remaining directors constitute less than
788 a quorum, or by the sole remaining director. In the alternative,
789 a board may hold an election to fill the vacancy, in which case
790 the election procedures must conform to sub-subparagraph 4.a.
791 unless the association governs 10 units or fewer and has opted
792 out of the statutory election process, in which case the bylaws
793 of the association control. Unless otherwise provided in the
794 bylaws, a board member appointed or elected under this section
795 shall fill the vacancy for the unexpired term of the seat being
796 filled. Filling vacancies created by recall is governed by
797 paragraph (j) and rules adopted by the division.

798 10. This chapter does not limit the use of general or
799 limited proxies, require the use of general or limited proxies,
800 or require the use of a written ballot or voting machine for any

801 agenda item or election at any meeting of a timeshare
802 condominium association or nonresidential condominium
803 association.

804
805 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
806 association of 10 or fewer units may, by affirmative vote of a
807 majority of the total voting interests, provide for different
808 voting and election procedures in its bylaws, which may be by a
809 proxy specifically delineating the different voting and election
810 procedures. The different voting and election procedures may
811 provide for elections to be conducted by limited or general
812 proxy.

813 (j) Recall of board members.—Subject to s. 718.301, any
814 member of the board of administration may be recalled and
815 removed from office with or without cause by the vote or
816 agreement in writing by a majority of all the voting interests.
817 A special meeting of the unit owners to recall a member or
818 members of the board of administration may be called by 10
819 percent of the voting interests giving notice of the meeting as
820 required for a meeting of unit owners, and the notice shall
821 state the purpose of the meeting. Electronic transmission may
822 not be used as a method of giving notice of a meeting called in
823 whole or in part for this purpose.

824 1. If the recall is approved by a majority of all voting
825 interests by a vote at a meeting, the recall will be effective

826 as provided in this paragraph. The board shall duly notice and
827 hold a board meeting within 5 full business days after the
828 adjournment of the unit owner meeting to recall one or more
829 board members. Such member or members shall be recalled
830 effective immediately upon conclusion of the board meeting
831 provided that the recall is facially valid. A recalled member
832 must ~~and shall~~ turn over to the board, within 10 full business
833 days after the vote, any and all records and property of the
834 association in their possession.

835 2. If the proposed recall is by an agreement in writing by
836 a majority of all voting interests, the agreement in writing or
837 a copy thereof shall be served on the association by certified
838 mail or by personal service in the manner authorized by chapter
839 48 and the Florida Rules of Civil Procedure. The board of
840 administration shall duly notice and hold a meeting of the board
841 within 5 full business days after receipt of the agreement in
842 writing. Such member or members shall be recalled effective
843 immediately upon the conclusion of the board meeting provided
844 that the recall is facially valid. A recalled member must ~~and~~
845 ~~shall~~ turn over to the board, within 10 full business days, any
846 and all records and property of the association in their
847 possession.

848 3. If the board fails to duly notice and hold a board
849 meeting within 5 full business days after service of an
850 agreement in writing or within 5 full business days after the

851 adjournment of the unit owner recall meeting, the recall shall
852 be deemed effective and the board members so recalled shall turn
853 over to the board within 10 full business days after the vote
854 any and all records and property of the association.

855 4. If the board fails to duly notice and hold the required
856 meeting or at the conclusion of the meeting determines that the
857 recall is not facially valid ~~fails to file the required~~
858 ~~petition~~, the unit owner representative may file a petition
859 pursuant to s. 718.1255 challenging the board's failure to act
860 or challenging the board's determination on facial validity. The
861 petition must be filed within 60 days after the expiration of
862 the applicable 5-full-business-day period. The review of a
863 petition under this subparagraph is limited to the sufficiency
864 of service on the board and the facial validity of the written
865 agreement or ballots filed.

866 5. If a vacancy occurs on the board as a result of a
867 recall or removal and less than a majority of the board members
868 are removed, the vacancy may be filled by the affirmative vote
869 of a majority of the remaining directors, notwithstanding any
870 provision to the contrary contained in this subsection. If
871 vacancies occur on the board as a result of a recall and a
872 majority or more of the board members are removed, the vacancies
873 shall be filled in accordance with procedural rules to be
874 adopted by the division, which rules need not be consistent with
875 this subsection. The rules must provide procedures governing the

876 | conduct of the recall election as well as the operation of the
877 | association during the period after a recall but before the
878 | recall election.

879 | 6. A board member who has been recalled may file a
880 | petition pursuant to s. 718.1255 challenging the validity of the
881 | recall. The petition must be filed within 60 days after the
882 | recall. The association and the unit owner representative shall
883 | be named as the respondents. The petition may challenge the
884 | facial validity of the written agreement or ballots filed or the
885 | substantial compliance with the procedural requirements for the
886 | recall. If the arbitrator determines the recall was invalid, the
887 | petitioning board member shall immediately be reinstated and the
888 | recall is null and void. A board member who is successful in
889 | challenging a recall is entitled to recover reasonable attorney
890 | fees and costs from the respondents. The arbitrator may award
891 | reasonable attorney fees and costs to the respondents if they
892 | prevail, if the arbitrator makes a finding that the petitioner's
893 | claim is frivolous.

894 | 7. The division may not accept for filing a recall
895 | petition, whether filed pursuant to subparagraph 1.,
896 | subparagraph 2., subparagraph 4., or subparagraph 6. when there
897 | are 60 or fewer days until the scheduled reelection of the board
898 | member sought to be recalled or when 60 or fewer days have
899 | elapsed since the election of the board member sought to be
900 | recalled.

901 Section 5. Subsection (2) of section 718.113, Florida
 902 Statutes, is amended, and a new subsection (8) is added to that
 903 section, to read:

904 718.113 Maintenance; limitation upon improvement; display
 905 of flag; hurricane shutters and protection; display of religious
 906 decorations.—

907 (2) (a) Except as otherwise provided in this section, there
 908 shall be no material alteration or substantial additions to the
 909 common elements or to real property which is association
 910 property, except in a manner provided in the declaration as
 911 originally recorded or as amended under the procedures provided
 912 therein. If the declaration as originally recorded or as amended
 913 under the procedures provided therein does not specify the
 914 procedure for approval of material alterations or substantial
 915 additions, 75 percent of the total voting interests of the
 916 association must approve the alterations or additions before the
 917 material alterations or substantial additions are commenced.

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

920 (b) There shall not be any material alteration of, or
 921 substantial addition to, the common elements of any condominium
 922 operated by a multicondominium association unless approved in
 923 the manner provided in the declaration of the affected
 924 condominium or condominiums as originally recorded or as amended
 925 under the procedures provided therein. If a declaration as

926 originally recorded or as amended under the procedures provided
927 therein does not specify a procedure for approving such an
928 alteration or addition, the approval of 75 percent of the total
929 voting interests of each affected condominium is required before
930 the material alterations or substantial additions are commenced.

931 This subsection does not prohibit a provision in any
932 declaration, articles of incorporation, or bylaws as originally
933 recorded or as amended under the procedures provided therein
934 requiring the approval of unit owners in any condominium
935 operated by the same association or requiring board approval
936 before a material alteration or substantial addition to the
937 common elements is permitted. This paragraph is intended to
938 clarify existing law and applies to associations existing on
939 July 1, 2018 ~~the effective date of this act.~~

940 (c) There shall not be any material alteration or
941 substantial addition made to association real property operated
942 by a multicondominium association, except as provided in the
943 declaration, articles of incorporation, or bylaws as originally
944 recorded or as amended under the procedures provided therein. If
945 the declaration, articles of incorporation, or bylaws as
946 originally recorded or as amended under the procedures provided
947 therein do not specify the procedure for approving an alteration
948 or addition to association real property, the approval of 75
949 percent of the total voting interests of the association is
950 required before the material alterations or substantial

951 additions are commenced. This paragraph is intended to clarify
952 existing law and applies to associations existing on July 1,
953 2018 ~~the effective date of this act.~~

954 (8) The Legislature finds that the use of electric
955 vehicles conserves and protects the state's environmental
956 resources, provides significant economic savings to drivers, and
957 serves an important public interest. The participation of
958 condominium associations is essential to the state's efforts to
959 conserve and protect the state's environmental resources and
960 provide economic savings to drivers. Therefore, the installation
961 of an electric vehicle charging station shall be governed as
962 follows:

963 (a) A declaration of condominium or restrictive covenant
964 may not prohibit or be enforced so as to prohibit any unit owner
965 from installing an electric vehicle charging station within the
966 boundaries of the unit owner's limited common element parking
967 area. The board of administration of a condominium association
968 may not prohibit a unit owner from installing an electric
969 vehicle charging station for an electric vehicle, as defined in
970 s. 320.01, within the boundaries of his or her limited common
971 element parking area. The installation of such charging stations
972 are subject to the provisions of this subsection.

973 (b) The installation may not cause irreparable damage to
974 the condominium property.

975 (c) The electricity for the electric vehicle charging

976 station must be separately metered and payable by the unit owner
977 installing such charging station.

978 (d) The unit owner who is installing an electric vehicle
979 charging station is responsible for the costs of installation,
980 operation, maintenance, and repair, including, but not limited
981 to, hazard and liability insurance. The association may enforce
982 payment of such costs pursuant to s. 718.116.

983 (e) If the unit owner or his or her successor decides
984 there is no longer a need for the electronic vehicle charging
985 station, such person is responsible for the cost of removal of
986 the electronic vehicle charging station. The association may
987 enforce payment of such costs pursuant to s. 718.116.

988 (f) The association may require the unit owner to:

989 1. Comply with bona fide safety requirements, consistent
990 with applicable building codes or recognized safety standards,
991 for the protection of persons and property.

992 2. Comply with reasonable architectural standards adopted
993 by the association that govern the dimensions, placement, or
994 external appearance of the electric vehicle charging station,
995 provided that such standards may not prohibit the installation
996 of such charging station or substantially increase the cost
997 thereof.

998 3. Engage the services of a licensed and registered
999 electrical contractor or engineer familiar with the installation
1000 and core requirements of an electric vehicle charging station.

1001 4. Provide a certificate of insurance naming the
 1002 association as an additional insured on the owner's insurance
 1003 policy for any claim related to the installation, maintenance,
 1004 or use of the electric vehicle charging station within 14 days
 1005 after receiving the association's approval to install such
 1006 charging station.

1007 5. Reimburse the association for the actual cost of any
 1008 increased insurance premium amount attributable to the electric
 1009 vehicle charging station within 14 days after receiving the
 1010 association's insurance premium invoice.

1011 (g) The association provides an implied easement across
 1012 the common elements of the condominium property to the unit
 1013 owner for purposes of the installation of the electric vehicle
 1014 charging station and the furnishing of electrical power,
 1015 including any necessary equipment, to such charging station,
 1016 subject to the requirements of this subsection.

1017 Section 6. Subsection (2) of section 718.121, Florida
 1018 Statutes, is amended to read:

1019 718.121 Liens.—

1020 (2) Labor performed on or materials furnished to a unit
 1021 shall not be the basis for the filing of a lien pursuant to part
 1022 I of chapter 713, the Construction Lien Law, against the unit or
 1023 condominium parcel of any unit owner not expressly consenting to
 1024 or requesting the labor or materials. Labor performed on or
 1025 materials furnished for the installation of an electronic

1026 vehicle charging station pursuant to s. 718.113(8) may not be
 1027 the basis for filing a lien under part I of chapter 713 against
 1028 the association, but such a lien may filed against the unit
 1029 owner. Labor performed on or materials furnished to the common
 1030 elements are not the basis for a lien on the common elements,
 1031 but if authorized by the association, the labor or materials are
 1032 deemed to be performed or furnished with the express consent of
 1033 each unit owner and may be the basis for the filing of a lien
 1034 against all condominium parcels in the proportions for which the
 1035 owners are liable for common expenses.

1036 Section 7. Subsection (3) of section 718.3026, Florida
 1037 Statutes, is amended to read:

1038 718.3026 Contracts for products and services; in writing;
 1039 bids; exceptions.—Associations with 10 or fewer units may opt
 1040 out of the provisions of this section if two-thirds of the unit
 1041 owners vote to do so, which opt-out may be accomplished by a
 1042 proxy specifically setting forth the exception from this
 1043 section.

1044 ~~(3) As to any contract or other transaction between an~~
 1045 ~~association and one or more of its directors or any other~~
 1046 ~~corporation, firm, association, or entity in which one or more~~
 1047 ~~of its directors are directors or officers or are financially~~
 1048 ~~interested:~~

1049 ~~(a) The association shall comply with the requirements of~~
 1050 ~~s. 617.0832.~~

1051 ~~(b) The disclosures required by s. 617.0832 shall be~~
1052 ~~entered into the written minutes of the meeting.~~

1053 ~~(c) Approval of the contract or other transaction shall~~
1054 ~~require an affirmative vote of two-thirds of the directors~~
1055 ~~present.~~

1056 ~~(d) At the next regular or special meeting of the members,~~
1057 ~~the existence of the contract or other transaction shall be~~
1058 ~~disclosed to the members. Upon motion of any member, the~~
1059 ~~contract or transaction shall be brought up for a vote and may~~
1060 ~~be canceled by a majority vote of the members present. Should~~
1061 ~~the members cancel the contract, the association shall only be~~
1062 ~~liable for the reasonable value of goods and services provided~~
1063 ~~up to the time of cancellation and shall not be liable for any~~
1064 ~~termination fee, liquidated damages, or other form of penalty~~
1065 ~~for such cancellation.~~

1066 Section 8. Section 718.3027, Florida Statutes, is amended
1067 to read:

1068 718.3027 Conflicts of interest.—

1069 (1) Directors and officers of a board of an association
1070 that is not a timeshare condominium association, and the
1071 relatives of such directors and officers, must disclose to the
1072 board any activity that may reasonably be construed to be a
1073 conflict of interest. A rebuttable presumption of a conflict of
1074 interest exists if any of the following occurs without prior
1075 notice, as required in subsection (5)~~(4)~~:

1076 (a) A director or an officer, or a relative of a director
1077 or an officer, enters into a contract for goods or services with
1078 the association.

1079 (b) A director or an officer, or a relative of a director
1080 or an officer, holds an interest in a corporation, limited
1081 liability corporation, partnership, limited liability
1082 partnership, or other business entity that conducts business
1083 with the association or proposes to enter into a contract or
1084 other transaction with the association.

1085 (2) If a director or an officer, or a relative of a
1086 director or an officer, proposes to engage in an activity that
1087 is a conflict of interest, as described in subsection (1), the
1088 proposed activity must be listed on, and all contracts and
1089 transactional documents related to the proposed activity must be
1090 attached to, the meeting agenda. The association shall comply
1091 with the requirements of s. 617.0832, and the disclosures
1092 required by s. 617.0832 shall be entered into the written
1093 minutes of the meeting. Approval of the contract or other
1094 transaction requires an affirmative vote of two-thirds of all
1095 other directors present. At the next regular or special meeting
1096 of the members, the existence of the contract or other
1097 transaction shall be disclosed to the members. Upon motion of
1098 any member, the contract or transaction shall be brought up for
1099 a vote and may be canceled by a majority vote of the members
1100 present. If the contract is canceled, the association is only

1101 liable for the reasonable value of the goods and services
1102 provided up to the time of cancellation and is not liable for
1103 any termination fee, liquidated damages, or other form of
1104 penalty for such cancellation.

1105 (3) If the board votes against the proposed activity, the
1106 director or officer, or the relative of the director or officer,
1107 must notify the board in writing of his or her intention not to
1108 pursue the proposed activity or to withdraw from office. If the
1109 board finds that an officer or a director has violated this
1110 subsection, the officer or director shall be deemed removed from
1111 office. The vacancy shall be filled according to general law.

1112 (4)~~(3)~~ A director or an officer, or a relative of a
1113 director or an officer, who is a party to, or has an interest
1114 in, an activity that is a possible conflict of interest, as
1115 described in subsection (1), may attend the meeting at which the
1116 activity is considered by the board and is authorized to make a
1117 presentation to the board regarding the activity. After the
1118 presentation, the director or officer, or the relative of the
1119 director or officer, must leave the meeting during the
1120 discussion of, and the vote on, the activity. A director or an
1121 officer who is a party to, or has an interest in, the activity
1122 must recuse himself or herself from the vote.

1123 (5)~~(4)~~ A contract entered into between a director or an
1124 officer, or a relative of a director or an officer, and the
1125 association, which is not a timeshare condominium association,

1126 that has not been properly disclosed as a conflict of interest
 1127 or potential conflict of interest as required by s.
 1128 718.111(12)(g) is voidable and terminates upon the filing of a
 1129 written notice terminating the contract with the board of
 1130 directors which contains the consent of at least 20 percent of
 1131 the voting interests of the association.

1132 (6)~~(5)~~ As used in this section, the term "relative" means
 1133 a relative within the third degree of consanguinity by blood or
 1134 marriage.

1135 Section 9. Paragraph (b) of subsection (3) of section
 1136 718.303, Florida Statutes, is amended to read:

1137 718.303 Obligations of owners and occupants; remedies.—

1138 (3) The association may levy reasonable fines for the
 1139 failure of the owner of the unit or its occupant, licensee, or
 1140 invitee to comply with any provision of the declaration, the
 1141 association bylaws, or reasonable rules of the association. A
 1142 fine may not become a lien against a unit. A fine may be levied
 1143 by the board on the basis of each day of a continuing violation,
 1144 with a single notice and opportunity for hearing before a
 1145 committee as provided in paragraph (b). However, the fine may
 1146 not exceed \$100 per violation, or \$1,000 in the aggregate.

1147 (b) A fine or suspension levied by the board of
 1148 administration may not be imposed unless the board first
 1149 provides at least 14 days' written notice ~~and an opportunity for~~
 1150 ~~a hearing~~ to the unit owner and, if applicable, any its

1151 occupant, licensee, or invitee of the unit owner sought to be
1152 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1153 ~~must be held~~ before a committee of at least three members
1154 appointed by the board who are not officers, directors, or
1155 employees of the association, or the spouse, parent, child,
1156 brother, or sister of an officer, director, or employee ~~other~~
1157 ~~unit owners who are neither board members nor persons residing~~
1158 ~~in a board member's household.~~ The role of the committee is
1159 limited to determining whether to confirm or reject the fine or
1160 suspension levied by the board. If the committee does not
1161 approve ~~agree,~~ the proposed fine or suspension by majority vote,
1162 the fine or suspension may not be imposed. If the proposed fine
1163 or suspension is approved by the committee, the fine payment is
1164 due 5 days after the date of the committee meeting at which the
1165 fine is approved. The association must provide written notice of
1166 such fine or suspension by mail or hand delivery to the unit
1167 owner and, if applicable, to any tenant, licensee, or invitee of
1168 the unit owner.

1169 Section 10. Section 718.707, Florida Statutes, is amended
1170 to read:

1171 718.707 Time limitation for classification as bulk
1172 assignee or bulk buyer.—A person acquiring condominium parcels
1173 may not be classified as a bulk assignee or bulk buyer unless
1174 the condominium parcels were acquired on or after July 1, 2010~~7~~
1175 ~~but before July 1, 2018.~~ The date of such acquisition shall be

1176 determined by the date of recording a deed or other instrument
 1177 of conveyance for such parcels in the public records of the
 1178 county in which the condominium is located, or by the date of
 1179 issuing a certificate of title in a foreclosure proceeding with
 1180 respect to such condominium parcels.

1181 Section 11. Paragraphs (a) and (b) of subsection (2) of
 1182 section 719.104, Florida Statutes, are amended to read:

1183 719.104 Cooperatives; access to units; records; financial
 1184 reports; assessments; purchase of leases.—

1185 (2) OFFICIAL RECORDS.—

1186 (a) From the inception of the association, the association
 1187 shall maintain a copy of each of the following, where
 1188 applicable, which shall constitute the official records of the
 1189 association:

1190 1. The plans, permits, warranties, and other items
 1191 provided by the developer pursuant to s. 719.301(4).

1192 2. A photocopy of the cooperative documents.

1193 3. A copy of the current rules of the association.

1194 4. A book or books containing the minutes of all meetings
 1195 of the association, of the board of directors, and of the unit
 1196 owners, ~~which minutes shall be retained for a period of not less~~
 1197 ~~than 7 years.~~

1198 5. A current roster of all unit owners and their mailing
 1199 addresses, unit identifications, voting certifications, and, if
 1200 known, telephone numbers. The association shall also maintain

1201 the e-mail ~~electronic mailing~~ addresses and the numbers
1202 designated by unit owners for receiving notice sent by
1203 electronic transmission of those unit owners consenting to
1204 receive notice by electronic transmission. The e-mail ~~electronic~~
1205 ~~mailing~~ addresses and numbers provided by unit owners to receive
1206 notice by electronic transmission shall be removed from
1207 association records when consent to receive notice by electronic
1208 transmission is revoked. However, the association is not liable
1209 for an erroneous disclosure of the e-mail ~~electronic mail~~
1210 address or the number for receiving electronic transmission of
1211 notices.

1212 6. All current insurance policies of the association.

1213 7. A current copy of any management agreement, lease, or
1214 other contract to which the association is a party or under
1215 which the association or the unit owners have an obligation or
1216 responsibility.

1217 8. Bills of sale or transfer for all property owned by the
1218 association.

1219 9. Accounting records for the association and separate
1220 accounting records for each unit it operates, according to good
1221 accounting practices. ~~All accounting records shall be maintained~~
1222 ~~for a period of not less than 7 years.~~ The accounting records
1223 shall include, but not be limited to:

1224 a. Accurate, itemized, and detailed records of all
1225 receipts and expenditures.

1226 b. A current account and a monthly, bimonthly, or
 1227 quarterly statement of the account for each unit designating the
 1228 name of the unit owner, the due date and amount of each
 1229 assessment, the amount paid upon the account, and the balance
 1230 due.

1231 c. All audits, reviews, accounting statements, and
 1232 financial reports of the association.

1233 d. All contracts for work to be performed. Bids for work
 1234 to be performed shall also be considered official records and
 1235 shall be maintained for a period of 1 year.

1236 10. Ballots, sign-in sheets, voting proxies, and all other
 1237 papers and electronic records relating to voting by unit owners,
 1238 which shall be maintained for a period of 1 year after the date
 1239 of the election, vote, or meeting to which the document relates.

1240 11. All rental records where the association is acting as
 1241 agent for the rental of units.

1242 12. A copy of the current question and answer sheet as
 1243 described in s. 719.504.

1244 13. All other written records of the association not
 1245 specifically included in the foregoing which are related to the
 1246 operation of the association.

1247 (b) The official records of the association must be
 1248 maintained within the state for at least 7 years. The records of
 1249 the association shall be made available to a unit owner within
 1250 45 miles of the cooperative property or within the county in

1251 | which the cooperative property is located within 10 ~~5~~ working
1252 | days after receipt of written request by the board or its
1253 | designee. This paragraph may be complied with by having a copy
1254 | of the official records of the association available for
1255 | inspection or copying on the cooperative property or the
1256 | association may offer the option of making the records available
1257 | to a unit owner electronically via the Internet or by allowing
1258 | the records to be viewed in an electronic format on a computer
1259 | screen and printed upon request. The association is not
1260 | responsible for the use or misuse of the information provided to
1261 | an association member or his or her authorized representative
1262 | pursuant to the compliance requirements of this chapter unless
1263 | the association has an affirmative duty not to disclose such
1264 | information pursuant to this chapter.

1265 | Section 12. Paragraphs (a), (c), and (d) of subsection (1)
1266 | of section 719.106, Florida Statutes, are amended, and paragraph
1267 | (m) is added to that subsection, to read:

1268 | 719.106 Bylaws; cooperative ownership.—

1269 | (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1270 | documents shall provide for the following, and if they do not,
1271 | they shall be deemed to include the following:

1272 | (a) Administration.—

1273 | 1. The form of administration of the association shall be
1274 | described, indicating the titles of the officers and board of
1275 | administration and specifying the powers, duties, manner of

1276 selection and removal, and compensation, if any, of officers and
 1277 board members. In the absence of such a provision, the board of
 1278 administration shall be composed of five members, unless the
 1279 cooperative ~~except in the case of cooperatives~~ has ~~having~~ five
 1280 or fewer units., ~~in which case in not-for-profit corporations,~~
 1281 The board shall consist of not fewer than three members in
 1282 cooperatives with five or fewer units that are not-for-profit
 1283 corporations. In a residential cooperative association of more
 1284 than 10 units, co-owners of a unit may not serve as members of
 1285 the board of directors at the same time unless the co-owners own
 1286 more than one unit or unless there are not enough eligible
 1287 candidates to fill the vacancies on the board at the time of the
 1288 vacancy. In the absence of provisions to the contrary, the board
 1289 of administration shall have a president, a secretary, and a
 1290 treasurer, who shall perform the duties of those offices
 1291 customarily performed by officers of corporations. Unless
 1292 prohibited in the bylaws, the board of administration may
 1293 appoint other officers and grant them those duties it deems
 1294 appropriate. Unless otherwise provided in the bylaws, the
 1295 officers shall serve without compensation and at the pleasure of
 1296 the board. Unless otherwise provided in the bylaws, the members
 1297 of the board shall serve without compensation.

1298 2. A person who has been suspended or removed by the
 1299 division under this chapter, or who is delinquent in the payment
 1300 of any monetary obligation due to the association, is not

1301 eligible to be a candidate for board membership and may not be
1302 listed on the ballot. A director or officer charged by
1303 information or indictment with a felony theft or embezzlement
1304 offense involving the association's funds or property is
1305 suspended from office. The board shall fill the vacancy
1306 according to general law until the end of the period of the
1307 suspension or the end of the director's term of office,
1308 whichever occurs first. However, if the charges are resolved
1309 without a finding of guilt or without acceptance of a plea of
1310 guilty or nolo contendere, the director or officer shall be
1311 reinstated for any remainder of his or her term of office. A
1312 member who has such criminal charges pending may not be
1313 appointed or elected to a position as a director or officer. A
1314 person who has been convicted of any felony in this state or in
1315 any United States District Court, or who has been convicted of
1316 any offense in another jurisdiction which would be considered a
1317 felony if committed in this state, is not eligible for board
1318 membership unless such felon's civil rights have been restored
1319 for at least 5 years as of the date such person seeks election
1320 to the board. The validity of an action by the board is not
1321 affected if it is later determined that a board member is
1322 ineligible for board membership due to having been convicted of
1323 a felony.

1324 3. When a unit owner files a written inquiry by certified
1325 mail with the board of administration, the board shall respond

1326 in writing to the unit owner within 30 days of receipt of the
1327 inquiry. The board's response shall either give a substantive
1328 response to the inquirer, notify the inquirer that a legal
1329 opinion has been requested, or notify the inquirer that advice
1330 has been requested from the division. If the board requests
1331 advice from the division, the board shall, within 10 days of its
1332 receipt of the advice, provide in writing a substantive response
1333 to the inquirer. If a legal opinion is requested, the board
1334 shall, within 60 days after the receipt of the inquiry, provide
1335 in writing a substantive response to the inquirer. The failure
1336 to provide a substantive response to the inquirer as provided
1337 herein precludes the board from recovering attorney's fees and
1338 costs in any subsequent litigation, administrative proceeding,
1339 or arbitration arising out of the inquiry. The association may,
1340 through its board of administration, adopt reasonable rules and
1341 regulations regarding the frequency and manner of responding to
1342 the unit owners' inquiries, one of which may be that the
1343 association is obligated to respond to only one written inquiry
1344 per unit in any given 30-day period. In such case, any
1345 additional inquiry or inquiries must be responded to in the
1346 subsequent 30-day period, or periods, as applicable.

1347 (c) Board of administration meetings.—Members of the board
1348 of administration may use e-mail as a means of communication but
1349 may not cast a vote on an association matter via e-mail.

1350 Meetings of the board of administration at which a quorum of the

1351 members is present shall be open to all unit owners. Any unit
1352 owner may tape record or videotape meetings of the board of
1353 administration. The right to attend such meetings includes the
1354 right to speak at such meetings with reference to all designated
1355 agenda items. The division shall adopt reasonable rules
1356 governing the tape recording and videotaping of the meeting. The
1357 association may adopt reasonable written rules governing the
1358 frequency, duration, and manner of unit owner statements.
1359 Adequate notice of all meetings shall be posted in a conspicuous
1360 place upon the cooperative property at least 48 continuous hours
1361 preceding the meeting, except in an emergency. Any item not
1362 included on the notice may be taken up on an emergency basis by
1363 at least a majority plus one of the members of the board. Such
1364 emergency action shall be noticed and ratified at the next
1365 regular meeting of the board. Notice of any meeting in which
1366 regular or special assessments against unit owners are to be
1367 considered must specifically state that assessments will be
1368 considered and provide the estimated cost and description of the
1369 purpose for such assessments. ~~However,~~ Written notice of any
1370 meeting at which nonemergency special assessments, or at which
1371 amendment to rules regarding unit use, will be considered shall
1372 be mailed, delivered, or electronically transmitted to the unit
1373 owners and posted conspicuously on the cooperative property not
1374 less than 14 days before the meeting. Evidence of compliance
1375 with this 14-day notice shall be made by an affidavit executed

1376 by the person providing the notice and filed among the official
1377 records of the association. Upon notice to the unit owners, the
1378 board shall by duly adopted rule designate a specific location
1379 on the cooperative property upon which all notices of board
1380 meetings shall be posted. In lieu of or in addition to the
1381 physical posting of notice of any meeting of the board of
1382 administration on the cooperative property, the association may,
1383 by reasonable rule, adopt a procedure for conspicuously posting
1384 and repeatedly broadcasting the notice and the agenda on a
1385 closed-circuit cable television system serving the cooperative
1386 association. However, if broadcast notice is used in lieu of a
1387 notice posted physically on the cooperative property, the notice
1388 and agenda must be broadcast at least four times every broadcast
1389 hour of each day that a posted notice is otherwise required
1390 under this section. When broadcast notice is provided, the
1391 notice and agenda must be broadcast in a manner and for a
1392 sufficient continuous length of time so as to allow an average
1393 reader to observe the notice and read and comprehend the entire
1394 content of the notice and the agenda. In addition to any of the
1395 authorized means of providing notice of a meeting of the board,
1396 the association may, by rule, adopt a procedure for
1397 conspicuously posting the meeting notice and the agenda on a
1398 website serving the cooperative association for at least the
1399 minimum period of time for which a notice of a meeting is also
1400 required to be physically posted on the cooperative property.

1401 Any rule adopted shall, in addition to other matters, include a
1402 requirement that the association send an electronic notice in
1403 the same manner as a notice for a meeting of the members, which
1404 must include a hyperlink to the website where the notice is
1405 posted, to unit owners whose e-mail addresses are included in
1406 the association's official records. ~~Notice of any meeting in~~
1407 ~~which regular assessments against unit owners are to be~~
1408 ~~considered for any reason shall specifically contain a statement~~
1409 ~~that assessments will be considered and the nature of any such~~
1410 ~~assessments.~~ Meetings of a committee to take final action on
1411 behalf of the board or to make recommendations to the board
1412 regarding the association budget are subject to the provisions
1413 of this paragraph. Meetings of a committee that does not take
1414 final action on behalf of the board or make recommendations to
1415 the board regarding the association budget are subject to the
1416 provisions of this section, unless those meetings are exempted
1417 from this section by the bylaws of the association.
1418 Notwithstanding any other law to the contrary, the requirement
1419 that board meetings and committee meetings be open to the unit
1420 owners does not apply to board or committee meetings held for
1421 the purpose of discussing personnel matters or meetings between
1422 the board or a committee and the association's attorney, with
1423 respect to proposed or pending litigation, if the meeting is
1424 held for the purpose of seeking or rendering legal advice.
1425 (d) Shareholder meetings.—There shall be an annual meeting

1426 of the shareholders. All members of the board of administration
1427 shall be elected at the annual meeting unless the bylaws provide
1428 for staggered election terms or for their election at another
1429 meeting. Any unit owner desiring to be a candidate for board
1430 membership must comply with subparagraph 1. The bylaws must
1431 provide the method for calling meetings, including annual
1432 meetings. Written notice, which must incorporate an
1433 identification of agenda items, shall be given to each unit
1434 owner at least 14 days before the annual meeting and posted in a
1435 conspicuous place on the cooperative property at least 14
1436 continuous days preceding the annual meeting. Upon notice to the
1437 unit owners, the board must by duly adopted rule designate a
1438 specific location on the cooperative property upon which all
1439 notice of unit owner meetings are posted. In lieu of or in
1440 addition to the physical posting of the meeting notice, the
1441 association may, by reasonable rule, adopt a procedure for
1442 conspicuously posting and repeatedly broadcasting the notice and
1443 the agenda on a closed-circuit cable television system serving
1444 the cooperative association. However, if broadcast notice is
1445 used in lieu of a posted notice, the notice and agenda must be
1446 broadcast at least four times every broadcast hour of each day
1447 that a posted notice is otherwise required under this section.
1448 If broadcast notice is provided, the notice and agenda must be
1449 broadcast in a manner and for a sufficient continuous length of
1450 time to allow an average reader to observe the notice and read

1451 and comprehend the entire content of the notice and the agenda.
1452 In addition to any of the authorized means of providing notice
1453 of a meeting of the shareholders, the association may, by rule,
1454 adopt a procedure for conspicuously posting the meeting notice
1455 and the agenda on a website serving the cooperative association
1456 for at least the minimum period of time for which a notice of a
1457 meeting is also required to be physically posted on the
1458 cooperative property. Any rule adopted shall, in addition to
1459 other matters, include a requirement that the association send
1460 an electronic notice in the same manner as a notice for a
1461 meeting of the members, which must include a hyperlink to the
1462 website where the notice is posted, to unit owners whose e-mail
1463 addresses are included in the association's official records.

1464 Unless a unit owner waives in writing the right to receive
1465 notice of the annual meeting, the notice of the annual meeting
1466 must be sent by mail, hand delivered, or electronically
1467 transmitted to each unit owner. An officer of the association
1468 must provide an affidavit or United States Postal Service
1469 certificate of mailing, to be included in the official records
1470 of the association, affirming that notices of the association
1471 meeting were mailed, hand delivered, or electronically
1472 transmitted, in accordance with this provision, to each unit
1473 owner at the address last furnished to the association.

1474 1. The board of administration shall be elected by written
1475 ballot or voting machine. A proxy may not be used in electing

1476 the board of administration in general elections or elections to
1477 fill vacancies caused by recall, resignation, or otherwise
1478 unless otherwise provided in this chapter.

1479 a. At least 60 days before a scheduled election, the
1480 association shall mail, deliver, or transmit, whether by
1481 separate association mailing, delivery, or electronic
1482 transmission or included in another association mailing,
1483 delivery, or electronic transmission, including regularly
1484 published newsletters, to each unit owner entitled to vote, a
1485 first notice of the date of the election. Any unit owner or
1486 other eligible person desiring to be a candidate for the board
1487 of administration must give written notice to the association at
1488 least 40 days before a scheduled election. Together with the
1489 written notice and agenda as set forth in this section, the
1490 association shall mail, deliver, or electronically transmit a
1491 second notice of election to all unit owners entitled to vote,
1492 together with a ballot that lists all candidates. Upon request
1493 of a candidate, the association shall include an information
1494 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1495 furnished by the candidate at least 35 days before the election,
1496 to be included with the mailing, delivery, or electronic
1497 transmission of the ballot, with the costs of mailing, delivery,
1498 or transmission and copying to be borne by the association. The
1499 association is not liable for the contents of the information
1500 sheets provided by the candidates. In order to reduce costs, the

1501 association may print or duplicate the information sheets on
1502 both sides of the paper. The division shall by rule establish
1503 voting procedures consistent with this subparagraph, including
1504 rules establishing procedures for giving notice by electronic
1505 transmission and rules providing for the secrecy of ballots.
1506 Elections shall be decided by a plurality of those ballots cast.
1507 There is no quorum requirement. However, at least 20 percent of
1508 the eligible voters must cast a ballot in order to have a valid
1509 election. A unit owner may not permit any other person to vote
1510 his or her ballot, and any such ballots improperly cast are
1511 invalid. A unit owner who needs assistance in casting the ballot
1512 for the reasons stated in s. 101.051 may obtain assistance in
1513 casting the ballot. Any unit owner violating this provision may
1514 be fined by the association in accordance with s. 719.303. The
1515 regular election must occur on the date of the annual meeting.
1516 This subparagraph does not apply to timeshare cooperatives.
1517 Notwithstanding this subparagraph, an election and balloting are
1518 not required unless more candidates file a notice of intent to
1519 run or are nominated than vacancies exist on the board. Any
1520 challenge to the election process must be commenced within 60
1521 days after the election results are announced.

1522 b. Within 90 days after being elected or appointed to the
1523 board, each new director shall certify in writing to the
1524 secretary of the association that he or she has read the
1525 association's bylaws, articles of incorporation, proprietary

1526 | lease, and current written policies; that he or she will work to
1527 | uphold such documents and policies to the best of his or her
1528 | ability; and that he or she will faithfully discharge his or her
1529 | fiduciary responsibility to the association's members. Within 90
1530 | days after being elected or appointed to the board, in lieu of
1531 | this written certification, the newly elected or appointed
1532 | director may submit a certificate of having satisfactorily
1533 | completed the educational curriculum administered by an
1534 | education provider as approved by the division pursuant to the
1535 | requirements established in chapter 718 within 1 year before or
1536 | 90 days after the date of election or appointment. The
1537 | educational certificate is valid and does not have to be
1538 | resubmitted as long as the director serves on the board without
1539 | interruption. A director who fails to timely file the written
1540 | certification or educational certificate is suspended from
1541 | service on the board until he or she complies with this sub-
1542 | subparagraph. The board may temporarily fill the vacancy during
1543 | the period of suspension. The secretary of the association shall
1544 | cause the association to retain a director's written
1545 | certification or educational certificate for inspection by the
1546 | members for 5 years after a director's election or the duration
1547 | of the director's uninterrupted tenure, whichever is longer.
1548 | Failure to have such written certification or educational
1549 | certificate on file does not affect the validity of any board
1550 | action.

1551 2. Any approval by unit owners called for by this chapter,
1552 or the applicable cooperative documents, must be made at a duly
1553 noticed meeting of unit owners and is subject to this chapter or
1554 the applicable cooperative documents relating to unit owner
1555 decisionmaking, except that unit owners may take action by
1556 written agreement, without meetings, on matters for which action
1557 by written agreement without meetings is expressly allowed by
1558 the applicable cooperative documents or law which provides for
1559 the unit owner action.

1560 3. Unit owners may waive notice of specific meetings if
1561 allowed by the applicable cooperative documents or law. Notice
1562 of meetings of the board of administration, shareholder
1563 meetings, except shareholder meetings called to recall board
1564 members under paragraph (f), and committee meetings may be given
1565 by electronic transmission to unit owners who consent to receive
1566 notice by electronic transmission. A unit owner who consents to
1567 receiving notices by electronic transmission is solely
1568 responsible for removing or bypassing filters that may block
1569 receipt of mass emails sent to members on behalf of the
1570 association in the course of giving electronic notices.

1571 4. Unit owners have the right to participate in meetings
1572 of unit owners with reference to all designated agenda items.
1573 However, the association may adopt reasonable rules governing
1574 the frequency, duration, and manner of unit owner participation.

1575 5. Any unit owner may tape record or videotape meetings of

1576 the unit owners subject to reasonable rules adopted by the
1577 division.

1578 6. Unless otherwise provided in the bylaws, a vacancy
1579 occurring on the board before the expiration of a term may be
1580 filled by the affirmative vote of the majority of the remaining
1581 directors, even if the remaining directors constitute less than
1582 a quorum, or by the sole remaining director. In the alternative,
1583 a board may hold an election to fill the vacancy, in which case
1584 the election procedures must conform to the requirements of
1585 subparagraph 1. unless the association has opted out of the
1586 statutory election process, in which case the bylaws of the
1587 association control. Unless otherwise provided in the bylaws, a
1588 board member appointed or elected under this subparagraph shall
1589 fill the vacancy for the unexpired term of the seat being
1590 filled. Filling vacancies created by recall is governed by
1591 paragraph (f) and rules adopted by the division.

1592
1593 Notwithstanding subparagraphs (b)2. and (d)1., an association
1594 may, by the affirmative vote of a majority of the total voting
1595 interests, provide for a different voting and election procedure
1596 in its bylaws, which vote may be by a proxy specifically
1597 delineating the different voting and election procedures. The
1598 different voting and election procedures may provide for
1599 elections to be conducted by limited or general proxy.

1600 (m) Director or officer delinquencies.—A director or

1601 officer more than 90 days delinquent in the payment of any
 1602 monetary obligation due the association shall be deemed to have
 1603 abandoned the office, creating a vacancy in the office to be
 1604 filled according to law.

1605 Section 13. Paragraph (b) of subsection (1) of section
 1606 719.107, Florida Statutes, is amended to read:

1607 719.107 Common expenses; assessment.—

1608 (1)

1609 (b) If so provided in the bylaws, the cost of
 1610 communications services as defined in chapter 202, information
 1611 services or Internet services ~~a master antenna television system~~
 1612 ~~or duly franchised cable television service~~ obtained pursuant to
 1613 a bulk contract shall be deemed a common expense, and if not
 1614 obtained pursuant to a bulk contract, such cost shall be
 1615 considered common expense if it is designated as such in a
 1616 written contract between the board of administration and the
 1617 company providing the communications services as defined in
 1618 chapter 202, information services or Internet services ~~master~~
 1619 ~~television antenna system or the cable television service~~. The
 1620 contract shall be for a term of not less than 2 years.

1621 1. Any contract made by the board after April 2, 1992, for
 1622 a community antenna system or duly franchised cable television
 1623 service, communications services as defined in chapter 202,
 1624 information services or Internet services may be canceled by a
 1625 majority of the voting interests present at the next regular or

1626 special meeting of the association. Any member may make a motion
1627 to cancel the contract, but if no motion is made or if such
1628 motion fails to obtain the required majority at the next regular
1629 or special meeting, whichever is sooner, following the making of
1630 the contract, then such contract shall be deemed ratified for
1631 the term therein expressed.

1632 2. Any such contract shall provide, and shall be deemed to
1633 provide if not expressly set forth, that any hearing impaired or
1634 legally blind unit owner who does not occupy the unit with a
1635 nonhearing impaired or sighted person may discontinue the
1636 service without incurring disconnect fees, penalties, or
1637 subsequent service charges, and as to such units, the owners
1638 shall not be required to pay any common expenses charge related
1639 to such service. If less than all members of an association
1640 share the expenses of cable television, the expense shall be
1641 shared equally by all participating unit owners. The association
1642 may use the provisions of s. 719.108 to enforce payment of the
1643 shares of such costs by the unit owners receiving cable
1644 television.

1645 Section 14. Paragraph (b) of subsection (3) of section
1646 719.303, Florida Statutes, is amended to read:

1647 719.303 Obligations of owners.—

1648 (3) The association may levy reasonable fines for failure
1649 of the unit owner or the unit's occupant, licensee, or invitee
1650 to comply with any provision of the cooperative documents or

1651 reasonable rules of the association. A fine may not become a
1652 lien against a unit. A fine may be levied by the board on the
1653 basis of each day of a continuing violation, with a single
1654 notice and opportunity for hearing before a committee as
1655 provided in paragraph (b). However, the fine may not exceed \$100
1656 per violation, or \$1,000 in the aggregate.

1657 (b) A fine or suspension levied by the board of
1658 administration may not be imposed unless the board first
1659 provides at least 14 days' written notice ~~and an opportunity for~~
1660 ~~a hearing~~ to the unit owner and, if applicable, any its
1661 occupant, licensee, or invitee of the unit owner sought to be
1662 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1663 ~~must be held~~ before a committee of at least three members
1664 appointed by the board who are not officers, directors, or
1665 employees of the association, or the spouse, parent, child,
1666 brother, or sister of an officer, director, or employee ~~other~~
1667 ~~unit owners who are neither board members nor persons residing~~
1668 ~~in a board member's household.~~ The role of the committee is
1669 limited to determining whether to confirm or reject the fine or
1670 suspension levied by the board. If the committee does not
1671 approve ~~agree with~~ the proposed fine or suspension by majority
1672 vote, the fine or suspension ~~it~~ may not be imposed. If the
1673 proposed fine or suspension is approved by the committee, the
1674 fine payment is due 5 days after the date of the committee
1675 meeting at which the fine is approved. The association must

1676 provide written notice of such fine or suspension by mail or
1677 hand delivery to the unit owner and, if applicable, to any
1678 tenant, licensee, or invitee of the unit owner.

1679 Section 15. Paragraphs (a) and (c) of subsection (2) of
1680 section 720.303, Florida Statutes, are amended, to read:

1681 720.303 Association powers and duties; meetings of board;
1682 official records; budgets; financial reporting; association
1683 funds; recalls.—

1684 (2) BOARD MEETINGS.—

1685 (a) Members of the board of administration may use e-mail
1686 as a means of communication, but may not cast a vote on an
1687 association matter via e-mail. A meeting of the board of
1688 directors of an association occurs whenever a quorum of the
1689 board gathers to conduct association business. Meetings of the
1690 board must be open to all members, except for meetings between
1691 the board and its attorney with respect to proposed or pending
1692 litigation where the contents of the discussion would otherwise
1693 be governed by the attorney-client privilege. A meeting of the
1694 board must be held at a location that is accessible to a
1695 physically handicapped person if requested by a physically
1696 handicapped person who has a right to attend the meeting. The
1697 provisions of this subsection shall also apply to the meetings
1698 of any committee or other similar body when a final decision
1699 will be made regarding the expenditure of association funds and
1700 to meetings of any body vested with the power to approve or

1701 disapprove architectural decisions with respect to a specific
 1702 parcel of residential property owned by a member of the
 1703 community.

1704 (c) The bylaws shall provide the following for giving
 1705 notice to parcel owners and members of all board meetings and,
 1706 if they do not do so, shall be deemed to include ~~provide~~ the
 1707 following:

1708 1. Notices of all board meetings must be posted in a
 1709 conspicuous place in the community at least 48 hours in advance
 1710 of a meeting, except in an emergency. In the alternative, if
 1711 notice is not posted in a conspicuous place in the community,
 1712 notice of each board meeting must be mailed or delivered to each
 1713 member at least 7 days before the meeting, except in an
 1714 emergency. Notwithstanding this general notice requirement, for
 1715 communities with more than 100 members, the association bylaws
 1716 may provide for a reasonable alternative to posting or mailing
 1717 of notice for each board meeting, including publication of
 1718 notice, provision of a schedule of board meetings, or the
 1719 conspicuous posting and repeated broadcasting of the notice on a
 1720 closed-circuit cable television system serving the homeowners'
 1721 association. However, if broadcast notice is used in lieu of a
 1722 notice posted physically in the community, the notice must be
 1723 broadcast at least four times every broadcast hour of each day
 1724 that a posted notice is otherwise required. When broadcast
 1725 notice is provided, the notice and agenda must be broadcast in a

1726 manner and for a sufficient continuous length of time so as to
1727 allow an average reader to observe the notice and read and
1728 comprehend the entire content of the notice and the agenda. The
1729 association may provide notice by electronic transmission in a
1730 manner authorized by law for meetings of the board of directors,
1731 committee meetings requiring notice under this section, and
1732 annual and special meetings of the members to any member who has
1733 provided a facsimile number or e-mail address to the association
1734 to be used for such purposes; however, a member must consent in
1735 writing to receiving notice by electronic transmission.

1736 2. An assessment may not be levied at a board meeting
1737 unless the notice of the meeting includes a statement that
1738 assessments will be considered and the nature of the
1739 assessments. Written notice of any meeting at which special
1740 assessments will be considered or at which amendments to rules
1741 regarding parcel use will be considered must be mailed,
1742 delivered, or electronically transmitted to the members and
1743 parcel owners and posted conspicuously on the property or
1744 broadcast on closed-circuit cable television not less than 14
1745 days before the meeting.

1746 3. Directors may not vote by proxy or by secret ballot at
1747 board meetings, except that secret ballots may be used in the
1748 election of officers. This subsection also applies to the
1749 meetings of any committee or other similar body, when a final
1750 decision will be made regarding the expenditure of association

1751 funds, and to any body vested with the power to approve or
 1752 disapprove architectural decisions with respect to a specific
 1753 parcel of residential property owned by a member of the
 1754 community.

1755 Section 16. Paragraph (b) of subsection (2) of section
 1756 720.305, Florida Statutes, is amended to read:

1757 720.305 Obligations of members; remedies at law or in
 1758 equity; levy of fines and suspension of use rights.—

1759 (2) The association may levy reasonable fines. A fine may
 1760 not exceed \$100 per violation against any member or any member's
 1761 tenant, guest, or invitee for the failure of the owner of the
 1762 parcel or its occupant, licensee, or invitee to comply with any
 1763 provision of the declaration, the association bylaws, or
 1764 reasonable rules of the association unless otherwise provided in
 1765 the governing documents. A fine may be levied by the board for
 1766 each day of a continuing violation, with a single notice and
 1767 opportunity for hearing, except that the fine may not exceed
 1768 \$1,000 in the aggregate unless otherwise provided in the
 1769 governing documents. A fine of less than \$1,000 may not become a
 1770 lien against a parcel. In any action to recover a fine, the
 1771 prevailing party is entitled to reasonable attorney fees and
 1772 costs from the nonprevailing party as determined by the court.

1773 (b) A fine or suspension levied ~~may not be imposed~~ by the
 1774 board of administration may not be imposed unless the board
 1775 first provides ~~without~~ at least 14 days' notice to the parcel

1776 owner and, if applicable, any occupant, licensee, or invitee of
1777 the parcel owner, person sought to be fined or suspended and an
1778 opportunity for a hearing before a committee of at least three
1779 members appointed by the board who are not officers, directors,
1780 or employees of the association, or the spouse, parent, child,
1781 brother, or sister of an officer, director, or employee. If the
1782 committee, by majority vote, does not approve a proposed fine or
1783 suspension, the proposed fine or suspension ~~it~~ may not be
1784 imposed. The role of the committee is limited to determining
1785 whether to confirm or reject the fine or suspension levied by
1786 the board. If the proposed ~~board of administration imposes a~~
1787 fine or suspension levied by the board is approved by the
1788 committee, the fine payment is due 5 days after the date of the
1789 committee meeting at which the fine is approved. The association
1790 must provide written notice of such fine or suspension by mail
1791 or hand delivery to the parcel owner and, if applicable, to any
1792 tenant, licensee, or invitee of the parcel owner.

1793 Section 17. Paragraph (a) of subsection (9) of section
1794 720.306, Florida Statutes, is amended, and paragraphs (e)
1795 through (h) are added to subsection (1) of that section, to
1796 read:

1797 720.306 Meetings of members; voting and election
1798 procedures; amendments.—

1799 (1) QUORUM; AMENDMENTS.—

1800 (e) A proposal to amend the governing documents must

1801 contain the full text of the provision to be amended and may not
1802 be revised or amended by reference solely to the title or
1803 number. Proposed new language must be underlined and proposed
1804 deleted language must be stricken. If the proposed change is so
1805 extensive that underlining and striking through language would
1806 hinder, rather than assist, the understanding of the proposed
1807 amendment, a notation must be inserted immediately preceding the
1808 proposed amendment in substantially the following form:

1809 "Substantial rewording. See governing documents for current
1810 text." An amendment to a governing document is effective when
1811 recorded in the public records of the county in which the
1812 community is located.

1813 (f) An immaterial error or omission in the amendment
1814 process does not invalidate an otherwise properly adopted
1815 amendment.

1816 (g) Except for an amendment to the governing documents
1817 that only affects transient occupancy, as defined in s.
1818 509.013(12), an amendment to any governing document adopted
1819 after July 1, 2018, that prohibits a parcel owner from renting
1820 the home, alters the authorized duration of a rental term, or
1821 specifies or limits the number of times that a parcel owner may
1822 rent his or her home during a specified term, applies only to a
1823 parcel owner who acquires title to the home after the effective
1824 date of the amendment, or to a parcel owner who consents,
1825 individually or through a representative, to the amendment. For

1826 purposes of this paragraph, a change of ownership does not occur
1827 when a parcel owner conveys the parcel to an affiliated entity
1828 or when beneficial ownership of the parcel does not change. For
1829 purposes of this paragraph, the term "affiliated entity" means
1830 an entity which controls, is controlled by, or is under common
1831 control with the parcel owner or that becomes a parent or
1832 successor entity by reason of transfer, merger, consolidation,
1833 public offering, reorganization, dissolution or sale of stock,
1834 or transfer of membership partnership interests. For a
1835 conveyance to be recognized as one made to an affiliated entity,
1836 the entity must furnish the association a document certifying
1837 that this paragraph applies.

1838 (h) A notice required under this section must be mailed or
1839 delivered to the address identified as the parcel owner's
1840 mailing address on the property appraiser's website for the
1841 county in which the parcel is located, or electronically
1842 transmitted in a manner authorized by the association if the
1843 parcel owner has consented, in writing, to receive notice by
1844 electronic transmission.

1845 (9) ELECTIONS AND BOARD VACANCIES.—

1846 (a) Elections of directors must be conducted in accordance
1847 with the procedures set forth in the governing documents of the
1848 association. Except as provided in paragraph (b), all members of
1849 the association are eligible to serve on the board of directors,
1850 and a member may nominate himself or herself as a candidate for

1851 the board at a meeting where the election is to be held;
 1852 provided, however, that if the election process allows
 1853 candidates to be nominated in advance of the meeting, the
 1854 association is not required to allow nominations at the meeting.
 1855 An election is not required unless more candidates are nominated
 1856 than vacancies exist. If an election is not required because
 1857 there are either an equal number or fewer qualified candidates
 1858 than vacancies exist, and if nominations from the floor are not
 1859 required pursuant to this section or the bylaws, write-in
 1860 nominations are not permitted and such qualified candidates
 1861 shall commence service on the board of directors, regardless of
 1862 whether a quorum is attained at the annual meeting. Except as
 1863 otherwise provided in the governing documents, boards of
 1864 directors must be elected by a plurality of the votes cast by
 1865 eligible voters. Any challenge to the election process must be
 1866 commenced within 60 days after the election results are
 1867 announced.

1868 Section 18. Paragraph (b) of subsection (3) of section
 1869 720.3085, Florida Statutes, is amended to read:

1870 720.3085 Payment for assessments; lien claims.—

1871 (3) Assessments and installments on assessments that are
 1872 not paid when due bear interest from the due date until paid at
 1873 the rate provided in the declaration of covenants or the bylaws
 1874 of the association, which rate may not exceed the rate allowed
 1875 by law. If no rate is provided in the declaration or bylaws,

1876 interest accrues at the rate of 18 percent per year.

1877 (b) Any payment received by an association and accepted
1878 shall be applied first to any interest accrued, then to any
1879 administrative late fee, then to any costs and reasonable
1880 attorney fees incurred in collection, and then to the delinquent
1881 assessment. This paragraph applies notwithstanding any
1882 restrictive endorsement, designation, or instruction placed on
1883 or accompanying a payment. A late fee is not subject to the
1884 provisions of chapter 687 and is not a fine. The foregoing is
1885 applicable notwithstanding s. 673.3111, any purported accord and
1886 satisfaction, or any restrictive endorsement, designation, or
1887 instruction placed on or accompanying a payment. The preceding
1888 sentence is intended to clarify existing law.

1889 Section 19. This act shall take effect July 1, 2018.