

1 A bill to be entitled
2 An act relating to community associations; amending s.
3 627.714, F.S.; prohibiting subrogation rights against
4 a condominium association under certain circumstances;
5 amending s. 712.05, F.S.; providing that certain
6 association documents protect a community covenant or
7 restriction from extinguishment; amending s. 718.110,
8 F.S.; providing that certain condominium documents may
9 be amended if certain conditions are met; amending s.
10 718.111, F.S.; authorizing certain improvements to a
11 unit or limited common elements; requiring certain
12 records to be maintained for a specified time;
13 providing that certain records are not official
14 association records; prohibiting certain rules related
15 to inspection of records; amending s. 718.112, F.S.;
16 authorizing an association to charge certain costs;
17 removing a prohibition against employing or
18 contracting with certain service providers; amending
19 s. 718.116, F.S.; providing requirements for enforcing
20 a lien under certain circumstances; amending s.
21 718.128, F.S.; providing requirements for authorizing
22 online voting; amending s. 718.303, F.S.; providing
23 requirements for collecting certain fines; requiring
24 notice of approved fines to certain persons; amending
25 s. 719.104, F.S.; providing that certain records are

26 | not official association records; prohibiting certain
27 | rules related to inspection of records; amending s.
28 | 719.129, F.S.; providing requirements for authorizing
29 | online voting; amending s. 720.303, F.S.; authorizing
30 | an association to adopt procedures for providing
31 | electronic meeting notices; requiring certain records
32 | to be maintained for a specified time; providing that
33 | certain records are not official association records;
34 | amending s. 720.3033, F.S.; providing requirements for
35 | the approval of certain contracts and transactions;
36 | amending s. 720.305, F.S.; removing the requirement
37 | that certain persons comply with association rules;
38 | authorizing an association to levy, and collect
39 | assessments for, certain fines; requiring certain
40 | notice to be provided to specified persons; amending
41 | s. 720.306, F.S.; authorizing certain documents to be
42 | amended in certain circumstances; requiring certain
43 | notices to be mailed to specified addresses; amending
44 | s. 720.3085, F.S.; providing requirements for
45 | enforcing a lien under certain circumstances; amending
46 | s. 720.317, F.S.; providing requirements for
47 | authorizing online voting; amending s. 720.404, F.S.;
48 | specifying requirements for providing certain
49 | documents to parcel owners; amending s. 720.405, F.S.;
50 | specifying requirements for providing certain

51 documents to parcel owners; requiring certain written
 52 consent by parcel owners; amending s. 720.406, F.S.;
 53 requiring a copy of certain documents to be provided
 54 to the Department of Economic Opportunity in a certain
 55 manner; providing an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:

58
 59 Section 1. Subsection (4) of section 627.714, Florida
 60 Statutes, is amended to read:

61 627.714 Residential condominium unit owner coverage; loss
 62 assessment coverage required.—

63 (4) Every individual unit owner's residential property
 64 policy must contain a provision stating that the coverage
 65 afforded by such policy is excess coverage over the amount
 66 recoverable under any other policy covering the same property.
 67 An insurance policy issued to an individual unit owner may not
 68 provide rights of subrogation against the condominium
 69 association operating the condominium in which such individual's
 70 unit is located.

71 Section 2. Subsections (2) and (3) of section 712.05,
 72 Florida Statutes, are amended to read:

73 712.05 Effect of filing notice.—

74 (2) A property owners' association may preserve and
 75 protect a community covenant, ~~or~~ restriction, or governing

76 | document, as defined in s. 720.301, from extinguishment by the
 77 | operation of this chapter by filing for record, at any time
 78 | during the 30-year period immediately following the effective
 79 | date of the root of title:

80 | (a) A written notice in accordance with s. 712.06; or

81 | (b) A summary notice in substantial form and content as
 82 | required under s. 720.3032(2) ,~~+~~ or an amendment to a community
 83 | covenant, ~~or~~ restriction, or governing document, that is adopted
 84 | in accordance with the requirements of such governing document,
 85 | if filed after the initial recording of such covenant,
 86 | restriction, or governing document, that is indexed under the
 87 | legal name of the property owners' association and references
 88 | the recording information of the covenant, ~~or~~ restriction, or
 89 | governing document to be preserved. Failure of a summary notice
 90 | or amendment to be indexed to the current owners of the affected
 91 | property does not affect the validity of the notice or vitiate
 92 | the effect of the filing of such notice.

93 | (3) A notice under subsection (1) or any notice or
 94 | amendment to a covenant, restriction, or governing document
 95 | referenced in subsection (2) preserves an interest in land or
 96 | other right subject to extinguishment under this chapter, or a
 97 | covenant, ~~or~~ restriction, or governing document, or portion of
 98 | such covenant, ~~or~~ restriction, or governing document, for not
 99 | less than 30 years after filing the notice unless the notice is
 100 | filed again as required in this chapter. A person's disability

101 or lack of knowledge of any kind may not delay the commencement
 102 of or suspend the running of the 30-year period. Such notice may
 103 be filed for record by the claimant or by any other person
 104 acting on behalf of a claimant who is:

- 105 (a) Under a disability;
- 106 (b) Unable to assert a claim on his or her behalf; or
- 107 (c) One of a class, but whose identity cannot be
 108 established or is uncertain at the time of filing such notice of
 109 claim for record.

110
 111 The property owners' association or clerk of the circuit court
 112 is not required to provide additional notice pursuant to s.
 113 712.06(3) for a notice filed under subsection (2). The preceding
 114 sentence is intended to clarify existing law.

115 Section 3. Paragraph (a) of subsection (1) of section
 116 718.110, Florida Statutes, is amended to read:

117 718.110 Amendment of declaration; correction of error or
 118 omission in declaration by circuit court.-

119 (1) (a) Notwithstanding any provision to the contrary in
 120 any declaration, articles of incorporation, or bylaws ~~If the~~
 121 ~~declaration fails to provide a method of amendment,~~ the
 122 declaration, articles of incorporation, or bylaws may be amended
 123 as to all matters except those described in subsection (4) or
 124 subsection (8) if the amendment is approved by ~~the~~ owners
 125 holding at least a majority of the voting interests of all

126 units. However, the declaration, articles of incorporation, or
127 bylaws may be amended by a lower voting percentage if so stated
128 in the declaration, articles of incorporation, or bylaws ~~of not~~
129 ~~less than two-thirds of the units. Except as to those matters~~
130 ~~described in subsection (4) or subsection (8), no declaration~~
131 ~~recorded after April 1, 1992, shall require that amendments be~~
132 ~~approved by more than four-fifths of the voting interests.~~

133 Section 4. Paragraph (n) of subsection (11) and paragraphs
134 (a), (b), and (c) of subsection (12) of section 718.111, Florida
135 Statutes, are amended to read:

136 718.111 The association.—

137 (11) INSURANCE.—In order to protect the safety, health,
138 and welfare of the people of the State of Florida and to ensure
139 consistency in the provision of insurance coverage to
140 condominiums and their unit owners, this subsection applies to
141 every residential condominium in the state, regardless of the
142 date of its declaration of condominium. It is the intent of the
143 Legislature to encourage lower or stable insurance premiums for
144 associations described in this subsection.

145 (n) The association is not obligated to pay for any
146 reconstruction or repair expenses due to property loss to any
147 improvements installed by a current or former owner of the unit
148 or by the developer if the improvement benefits only the unit
149 for which it was installed and is not part of the standard
150 improvements installed by the developer on all units as part of

151 original construction, whether or not such improvement is
152 located within the unit. Improvements installed by a unit owner,
153 with the permission required by the declaration of condominium
154 as originally recorded or as amended, which are made either to a
155 unit or to limited common elements, the use of which is
156 appurtenant to a single unit, for the protection of the unit or
157 other portions of the condominium property, are considered
158 approved improvements as required under s. 718.113(2), if the
159 provision in the declaration of condominium as originally
160 recorded, or as amended, authorizing such improvements provides
161 that such approval allows all or substantially all unit owners
162 to proceed with specific planned improvements following receipt
163 of approval, and such provision, if created by an amendment to
164 the declaration of condominium, involved a vote or the written
165 consent of at least a majority of the voting interests in the
166 association. This paragraph does not relieve any party of its
167 obligations regarding recovery due under any insurance
168 implemented specifically for such improvements.

169 (12) OFFICIAL RECORDS.—

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

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

175 2. A photocopy of the recorded declaration of condominium

176 of each condominium operated by the association and each
 177 amendment to each declaration.

178 3. A photocopy of the recorded bylaws of the association
 179 and each amendment to the bylaws.

180 4. A certified copy of the articles of incorporation of
 181 the association, or other documents creating the association,
 182 and each amendment thereto.

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

184 6. A book or books that contain the minutes of all
 185 meetings of the association, the board of administration, and
 186 the unit owners.

187 7. A current roster of all unit owners and their mailing
 188 addresses, unit identifications, voting certifications, and, if
 189 known, telephone numbers. The association shall also maintain
 190 the e-mail addresses and facsimile numbers of unit owners
 191 consenting to receive notice by electronic transmission. The e-
 192 mail addresses and facsimile numbers are not accessible to unit
 193 owners if consent to receive notice by electronic transmission
 194 is not provided in accordance with sub-subparagraph (c)3.e.
 195 However, the association is not liable for an inadvertent
 196 disclosure of the e-mail address or facsimile number for
 197 receiving electronic transmission of notices.

198 8. All current insurance policies of the association and
 199 condominiums operated by the association.

200 9. A current copy of any management agreement, lease, or

201 other contract to which the association is a party or under
 202 which the association or the unit owners have an obligation or
 203 responsibility.

204 10. Bills of sale or transfer for all property owned by
 205 the association.

206 11. Accounting records for the association and separate
 207 accounting records for each condominium that the association
 208 operates. Any person who knowingly or intentionally defaces or
 209 destroys such records, or who knowingly or intentionally fails
 210 to create or maintain such records, with the intent of causing
 211 harm to the association or one or more of its members, is
 212 personally subject to a civil penalty pursuant to s.

213 718.501(1)(d). The accounting records must include, but are not
 214 limited to:

215 a. Accurate, itemized, and detailed records of all
 216 receipts and expenditures.

217 b. A current account and a monthly, bimonthly, or
 218 quarterly statement of the account for each unit designating the
 219 name of the unit owner, the due date and amount of each
 220 assessment, the amount paid on the account, and the balance due.

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

223 d. All contracts for work to be performed. Bids for work
 224 to be performed are also considered official records and must be
 225 maintained by the association for at least 1 year after receipt

226 of the bid.

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

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

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

236 ~~15. All other written records of the association not~~
 237 ~~specifically included in the foregoing which are related to the~~
 238 ~~operation of the association.~~

239 15.16. A copy of the inspection report as described in s.
 240 718.301(4)(p).

241 16.17. Bids for materials, equipment, or services for 1
 242 year after receipt of the bid.

243 17. All other written records of the association not
 244 specifically included in subparagraphs 1.-16. which are related
 245 to the operation of the association. However, the records
 246 contained on the personal computers or electronic devices of the
 247 officers, directors, and committee members are not official
 248 records of the association, but are personal property of the
 249 owner of the computer or electronic device. Electronic
 250 correspondence between officers, directors, or committee members

251 are not official records unless the correspondence is also
252 located on a computer maintained by the association and is not
253 otherwise excluded or exempted from the official records.

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

276 compliance requirements of this chapter unless the association
277 has an affirmative duty not to disclose such information
278 pursuant to this chapter.

279 (c)1. The official records of the association are open to
280 inspection by any association member or the authorized
281 representative of such member at all reasonable times. The right
282 to inspect the records includes the right to make or obtain
283 copies, at the reasonable expense, if any, of the member or
284 authorized representative of such member. A renter of a unit has
285 a right to inspect and copy the association's bylaws and rules.
286 The association may adopt reasonable rules regarding the
287 frequency, time, location, notice, and manner of record
288 inspections and copying, but may not require a unit owner to
289 demonstrate any purpose for the inspection, state any reason for
290 the inspection, or limit a unit owner's right to inspect records
291 to less than one 8-hour business day per month. The failure of
292 an association to provide the records within 10 working days
293 after receipt of a written request creates a rebuttable
294 presumption that the association willfully failed to comply with
295 this paragraph. A unit owner who is denied access to official
296 records is entitled to the actual damages or minimum damages for
297 the association's willful failure to comply. Minimum damages are
298 \$50 per calendar day for up to 10 days, beginning on the 11th
299 working day after receipt of the written request. The failure to
300 permit inspection entitles any person prevailing in an

301 enforcement action to recover reasonable attorney fees from the
302 person in control of the records who, directly or indirectly,
303 knowingly denied access to the records.

304 2. Any person who knowingly or intentionally defaces or
305 destroys accounting records that are required by this chapter to
306 be maintained during the period for which such records are
307 required to be maintained, or who knowingly or intentionally
308 fails to create or maintain accounting records that are required
309 to be created or maintained, with the intent of causing harm to
310 the association or one or more of its members, is personally
311 subject to a civil penalty pursuant to s. 718.501(1)(d).

312 3. The association shall maintain an adequate number of
313 copies of the declaration, articles of incorporation, bylaws,
314 and rules, and all amendments to each of the foregoing, as well
315 as the question and answer sheet as described in s. 718.504 and
316 year-end financial information required under this section, on
317 the condominium property to ensure their availability to unit
318 owners and prospective purchasers, and may charge its actual
319 costs for preparing and furnishing these documents to those
320 requesting the documents. An association shall allow a member or
321 his or her authorized representative to use a portable device,
322 including a smartphone, tablet, portable scanner, or any other
323 technology capable of scanning or taking photographs, to make an
324 electronic copy of the official records in lieu of the
325 association's providing the member or his or her authorized

326 representative with a copy of such records. The association may
327 not charge a member or his or her authorized representative for
328 the use of a portable device. Notwithstanding this paragraph,
329 the following records are not accessible to unit owners:

330 a. Any record protected by the lawyer-client privilege as
331 described in s. 90.502 and any record protected by the work-
332 product privilege, including a record prepared by an association
333 attorney or prepared at the attorney's express direction, which
334 reflects a mental impression, conclusion, litigation strategy,
335 or legal theory of the attorney or the association, and which
336 was prepared exclusively for civil or criminal litigation or for
337 adversarial administrative proceedings, or which was prepared in
338 anticipation of such litigation or proceedings until the
339 conclusion of the litigation or proceedings.

340 b. Information obtained by an association in connection
341 with the approval of the lease, sale, or other transfer of a
342 unit.

343 c. Personnel records of association or management company
344 employees, including, but not limited to, disciplinary, payroll,
345 health, and insurance records. For purposes of this sub-
346 subparagraph, the term "personnel records" does not include
347 written employment agreements with an association employee or
348 management company, or budgetary or financial records that
349 indicate the compensation paid to an association employee.

350 d. Medical records of unit owners.

351 e. Social security numbers, driver license numbers, credit
352 card numbers, e-mail addresses, telephone numbers, facsimile
353 numbers, emergency contact information, addresses of a unit
354 owner other than as provided to fulfill the association's notice
355 requirements, and other personal identifying information of any
356 person, excluding the person's name, unit designation, mailing
357 address, property address, and any address, e-mail address, or
358 facsimile number provided to the association to fulfill the
359 association's notice requirements. Notwithstanding the
360 restrictions in this sub-subparagraph, an association may print
361 and distribute to parcel owners a directory containing the name,
362 parcel address, and all telephone numbers of each parcel owner.
363 However, an owner may exclude his or her telephone numbers from
364 the directory by so requesting in writing to the association. An
365 owner may consent in writing to the disclosure of other contact
366 information described in this sub-subparagraph. The association
367 is not liable for the inadvertent disclosure of information that
368 is protected under this sub-subparagraph if the information is
369 included in an official record of the association and is
370 voluntarily provided by an owner and not requested by the
371 association.

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

374 g. The software and operating system used by the
375 association which allow the manipulation of data, even if the

376 owner owns a copy of the same software used by the association.
377 The data is part of the official records of the association.

378 Section 5. Paragraphs (d), (i), and (p) of subsection (2)
379 of section 718.112, Florida Statutes, are amended to read:

380 718.112 Bylaws.—

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

384 (d) Unit owner meetings.—

385 1. An annual meeting of the unit owners must be held at
386 the location provided in the association bylaws and, if the
387 bylaws are silent as to the location, the meeting must be held
388 within 45 miles of the condominium property. However, such
389 distance requirement does not apply to an association governing
390 a timeshare condominium.

391 2. Unless the bylaws provide otherwise, a vacancy on the
392 board caused by the expiration of a director's term must be
393 filled by electing a new board member, and the election must be
394 by secret ballot. An election is not required if the number of
395 vacancies equals or exceeds the number of candidates. For
396 purposes of this paragraph, the term "candidate" means an
397 eligible person who has timely submitted the written notice, as
398 described in sub-subparagraph 4.a., of his or her intention to
399 become a candidate. Except in a timeshare or nonresidential
400 condominium, or if the staggered term of a board member does not

401 expire until a later annual meeting, or if all members' terms
402 would otherwise expire but there are no candidates, the terms of
403 all board members expire at the annual meeting, and such members
404 may stand for reelection unless prohibited by the bylaws. Board
405 members may serve terms longer than 1 year if permitted by the
406 bylaws or articles of incorporation. A board member may not
407 serve more than 8 consecutive years unless approved by an
408 affirmative vote of unit owners representing two-thirds of all
409 votes cast in the election or unless there are not enough
410 eligible candidates to fill the vacancies on the board at the
411 time of the vacancy. If the number of board members whose terms
412 expire at the annual meeting equals or exceeds the number of
413 candidates, the candidates become members of the board effective
414 upon the adjournment of the annual meeting. Unless the bylaws
415 provide otherwise, any remaining vacancies shall be filled by
416 the affirmative vote of the majority of the directors making up
417 the newly constituted board even if the directors constitute
418 less than a quorum or there is only one director. In a
419 residential condominium association of more than 10 units or in
420 a residential condominium association that does not include
421 timeshare units or timeshare interests, coowners of a unit may
422 not serve as members of the board of directors at the same time
423 unless they own more than one unit or unless there are not
424 enough eligible candidates to fill the vacancies on the board at
425 the time of the vacancy. A unit owner in a residential

426 | condominium desiring to be a candidate for board membership must
427 | comply with sub-subparagraph 4.a. and must be eligible to be a
428 | candidate to serve on the board of directors at the time of the
429 | deadline for submitting a notice of intent to run in order to
430 | have his or her name listed as a proper candidate on the ballot
431 | or to serve on the board. A person who has been suspended or
432 | removed by the division under this chapter, or who is delinquent
433 | in the payment of any monetary obligation due to the
434 | association, is not eligible to be a candidate for board
435 | membership and may not be listed on the ballot. A person who has
436 | been convicted of any felony in this state or in a United States
437 | District or Territorial Court, or who has been convicted of any
438 | offense in another jurisdiction which would be considered a
439 | felony if committed in this state, is not eligible for board
440 | membership unless such felon's civil rights have been restored
441 | for at least 5 years as of the date such person seeks election
442 | to the board. The validity of an action by the board is not
443 | affected if it is later determined that a board member is
444 | ineligible for board membership due to having been convicted of
445 | a felony. This subparagraph does not limit the term of a member
446 | of the board of a nonresidential or timeshare condominium.

447 | 3. The bylaws must provide the method of calling meetings
448 | of unit owners, including annual meetings. Written notice must
449 | include an agenda, must be mailed, hand delivered, or
450 | electronically transmitted to each unit owner at least 14 days

451 before the ~~annual~~ meeting, and must be posted in a conspicuous
452 place on the condominium property at least 14 continuous days
453 before the ~~annual~~ meeting. Upon notice to the unit owners, the
454 board shall, by duly adopted rule, designate a specific location
455 on the condominium property where all notices of unit owner
456 meetings must be posted. This requirement does not apply if
457 there is no condominium property for posting notices. In lieu
458 of, or in addition to, the physical posting of meeting notices,
459 the association may, by reasonable rule, adopt a procedure for
460 conspicuously posting and repeatedly broadcasting the notice and
461 the agenda on a closed-circuit cable television system serving
462 the condominium association. However, if broadcast notice is
463 used in lieu of a notice posted physically on the condominium
464 property, the notice and agenda must be broadcast at least four
465 times every broadcast hour of each day that a posted notice is
466 otherwise required under this section. If broadcast notice is
467 provided, the notice and agenda must be broadcast in a manner
468 and for a sufficient continuous length of time so as to allow an
469 average reader to observe the notice and read and comprehend the
470 entire content of the notice and the agenda. In addition to any
471 of the authorized means of providing notice of a meeting of the
472 board, the association may, by rule, adopt a procedure for
473 conspicuously posting the meeting notice and the agenda on a
474 website serving the condominium association for at least the
475 minimum period of time for which a notice of a meeting is also

476 required to be physically posted on the condominium property.
477 Any rule adopted shall, in addition to other matters, include a
478 requirement that the association send an electronic notice in
479 the same manner as a notice for a meeting of the members, which
480 must include a hyperlink to the website where the notice is
481 posted, to unit owners whose e-mail addresses are included in
482 the association's official records. Unless a unit owner waives
483 in writing the right to receive notice of the annual meeting,
484 such notice must be hand delivered, mailed, or electronically
485 transmitted to each unit owner. Notice for meetings and notice
486 for all other purposes must be mailed to each unit owner at the
487 address last furnished to the association by the unit owner, or
488 hand delivered to each unit owner. However, if a unit is owned
489 by more than one person, the association must provide notice to
490 the address that the developer identifies for that purpose and
491 thereafter as one or more of the owners of the unit advise the
492 association in writing, or if no address is given or the owners
493 of the unit do not agree, to the address provided on the deed of
494 record. An officer of the association, or the manager or other
495 person providing notice of the association meeting, must provide
496 an affidavit or United States Postal Service certificate of
497 mailing, to be included in the official records of the
498 association affirming that the notice was mailed or hand
499 delivered in accordance with this provision.

500 4. The members of the board of a residential condominium

501 shall be elected by written ballot or voting machine. Proxies
502 may not be used in electing the board in general elections or
503 elections to fill vacancies caused by recall, resignation, or
504 otherwise, unless otherwise provided in this chapter. This
505 subparagraph does not apply to an association governing a
506 timeshare condominium.

507 a. At least 60 days before a scheduled election, the
508 association shall mail, deliver, or electronically transmit, by
509 separate association mailing or included in another association
510 mailing, delivery, or transmission, including regularly
511 published newsletters, to each unit owner entitled to a vote, a
512 first notice of the date of the election. A unit owner or other
513 eligible person desiring to be a candidate for the board must
514 give written notice of his or her intent to be a candidate to
515 the association at least 40 days before a scheduled election.
516 Together with the written notice and agenda as set forth in
517 subparagraph 3., the association shall mail, deliver, or
518 electronically transmit a second notice of the election to all
519 unit owners entitled to vote, together with a ballot that lists
520 all candidates. Upon request of a candidate, an information
521 sheet, no larger than 8 1/2 inches by 11 inches, which must be
522 furnished by the candidate at least 35 days before the election,
523 must be included with the mailing, delivery, or transmission of
524 the ballot, with the costs of mailing, delivery, or electronic
525 transmission and copying to be borne by the association. The

526 association is not liable for the contents of the information
527 sheets prepared by the candidates. In order to reduce costs, the
528 association may print or duplicate the information sheets on
529 both sides of the paper. The division shall by rule establish
530 voting procedures consistent with this sub-subparagraph,
531 including rules establishing procedures for giving notice by
532 electronic transmission and rules providing for the secrecy of
533 ballots. Elections shall be decided by a plurality of ballots
534 cast. There is no quorum requirement; however, at least 20
535 percent of the eligible voters must cast a ballot in order to
536 have a valid election. A unit owner may not authorize any other
537 person to vote his or her ballot, and any ballots improperly
538 cast are invalid. A unit owner who violates this provision may
539 be fined by the association in accordance with s. 718.303. A
540 unit owner who needs assistance in casting the ballot for the
541 reasons stated in s. 101.051 may obtain such assistance. The
542 regular election must occur on the date of the annual meeting.
543 Notwithstanding this sub-subparagraph, an election is not
544 required unless more candidates file notices of intent to run or
545 are nominated than board vacancies exist.

546 b. Within 90 days after being elected or appointed to the
547 board of an association of a residential condominium, each newly
548 elected or appointed director shall certify in writing to the
549 secretary of the association that he or she has read the
550 association's declaration of condominium, articles of

551 incorporation, bylaws, and current written policies; that he or
552 she will work to uphold such documents and policies to the best
553 of his or her ability; and that he or she will faithfully
554 discharge his or her fiduciary responsibility to the
555 association's members. In lieu of this written certification,
556 within 90 days after being elected or appointed to the board,
557 the newly elected or appointed director may submit a certificate
558 of having satisfactorily completed the educational curriculum
559 administered by a division-approved condominium education
560 provider within 1 year before or 90 days after the date of
561 election or appointment. The written certification or
562 educational certificate is valid and does not have to be
563 resubmitted as long as the director serves on the board without
564 interruption. A director of an association of a residential
565 condominium who fails to timely file the written certification
566 or educational certificate is suspended from service on the
567 board until he or she complies with this sub-subparagraph. The
568 board may temporarily fill the vacancy during the period of
569 suspension. The secretary shall cause the association to retain
570 a director's written certification or educational certificate
571 for inspection by the members for 5 years after a director's
572 election or the duration of the director's uninterrupted tenure,
573 whichever is longer. Failure to have such written certification
574 or educational certificate on file does not affect the validity
575 of any board action.

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

578 5. Any approval by unit owners called for by this chapter
579 or the applicable declaration or bylaws, including, but not
580 limited to, the approval requirement in s. 718.111(8), must be
581 made at a duly noticed meeting of unit owners and is subject to
582 all requirements of this chapter or the applicable condominium
583 documents relating to unit owner decisionmaking, except that
584 unit owners may take action by written agreement, without
585 meetings, on matters for which action by written agreement
586 without meetings is expressly allowed by the applicable bylaws
587 or declaration or any law that provides for such action.

588 6. Unit owners may waive notice of specific meetings if
589 allowed by the applicable bylaws or declaration or any law.
590 Notice of meetings of the board of administration, unit owner
591 meetings, except unit owner meetings called to recall board
592 members under paragraph (j), and committee meetings may be given
593 by electronic transmission to unit owners who consent to receive
594 notice by electronic transmission. A unit owner who consents to
595 receiving notices by electronic transmission is solely
596 responsible for removing or bypassing filters that block receipt
597 of mass emails sent to members on behalf of the association in
598 the course of giving electronic notices.

599 7. Unit owners have the right to participate in meetings
600 of unit owners with reference to all designated agenda items.

601 However, the association may adopt reasonable rules governing
602 the frequency, duration, and manner of unit owner participation.

603 8. A unit owner may tape record or videotape a meeting of
604 the unit owners subject to reasonable rules adopted by the
605 division.

606 9. Unless otherwise provided in the bylaws, any vacancy
607 occurring on the board before the expiration of a term may be
608 filled by the affirmative vote of the majority of the remaining
609 directors, even if the remaining directors constitute less than
610 a quorum, or by the sole remaining director. In the alternative,
611 a board may hold an election to fill the vacancy, in which case
612 the election procedures must conform to sub-subparagraph 4.a.
613 unless the association governs 10 units or fewer and has opted
614 out of the statutory election process, in which case the bylaws
615 of the association control. Unless otherwise provided in the
616 bylaws, a board member appointed or elected under this section
617 shall fill the vacancy for the unexpired term of the seat being
618 filled. Filling vacancies created by recall is governed by
619 paragraph (j) and rules adopted by the division.

620 10. This chapter does not limit the use of general or
621 limited proxies, require the use of general or limited proxies,
622 or require the use of a written ballot or voting machine for any
623 agenda item or election at any meeting of a timeshare
624 condominium association or nonresidential condominium
625 association.

626
627 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
628 association of 10 or fewer units may, by affirmative vote of a
629 majority of the total voting interests, provide for different
630 voting and election procedures in its bylaws, which may be by a
631 proxy specifically delineating the different voting and election
632 procedures. The different voting and election procedures may
633 provide for elections to be conducted by limited or general
634 proxy.

635 (i) Transfer costs fees.—An association may charge an
636 applicant the actual transfer costs in connection with the sale,
637 mortgage, lease, sublease, or other transfer of a unit,
638 including the actual costs of any background check or screening
639 performed by the association, if the association has the
640 authority to require approval of such transfer under the
641 declaration of condominium as originally recorded or as amended.
642 In addition to actual transfer costs, an association may also
643 charge any administrative or service costs that are authorized
644 under the declaration of condominium, the bylaws, or any
645 contract to which the association is a party. Any additional
646 administrative or service costs may not exceed \$100 per
647 applicant. For purposes of this paragraph, a husband and wife or
648 parent and dependent child are considered one applicant. This
649 paragraph does not limit an association's authority to charge a
650 capital contribution, if the declaration of condominium as

651 originally recorded or as amended provides for the collection of
652 such capital contributions ~~No charge shall be made by the~~
653 ~~association or any body thereof in connection with the sale,~~
654 ~~mortgage, lease, sublease, or other transfer of a unit unless~~
655 ~~the association is required to approve such transfer and a fee~~
656 ~~for such approval is provided for in the declaration, articles,~~
657 ~~or bylaws. Any such fee may be preset, but in no event may such~~
658 ~~fee exceed \$100 per applicant other than husband/wife or~~
659 ~~parent/dependent child, which are considered one applicant.~~
660 ~~However, if the lease or sublease is a renewal of a lease or~~
661 ~~sublease with the same lessee or sublessee, no charge shall be~~
662 ~~made. The foregoing notwithstanding, an association may, if the~~
663 ~~authority to do so appears in the declaration or bylaws, require~~
664 ~~that a prospective lessee place a security deposit, in an amount~~
665 ~~not to exceed the equivalent of 1 month's rent, into an escrow~~
666 ~~account maintained by the association. The security deposit~~
667 ~~shall protect against damages to the common elements or~~
668 ~~association property. Payment of interest, claims against the~~
669 ~~deposit, refunds, and disputes under this paragraph shall be~~
670 ~~handled in the same fashion as provided in part II of chapter~~
671 ~~83.~~

672 ~~(p) Service providers; conflicts of interest. An~~
673 ~~association, which is not a timeshare condominium association,~~
674 ~~may not employ or contract with any service provider that is~~
675 ~~owned or operated by a board member or with any person who has a~~

676 ~~financial relationship with a board member or officer, or a~~
677 ~~relative within the third degree of consanguinity by blood or~~
678 ~~marriage of a board member or officer. This paragraph does not~~
679 ~~apply to a service provider in which a board member or officer,~~
680 ~~or a relative within the third degree of consanguinity by blood~~
681 ~~or marriage of a board member or officer, owns less than 1~~
682 ~~percent of the equity shares.~~

683 Section 6. Paragraph (b) of subsection (5) of section
684 718.116, Florida Statutes, is amended to read:

685 718.116 Assessments; liability; lien and priority;
686 interest; collection.-

687 (5)

688 (b) To be valid, a claim of lien must state the
689 description of the condominium parcel, the name of the record
690 owner, the name and address of the association, the amount due,
691 and the due dates. It must be executed and acknowledged by an
692 officer or authorized agent of the association. The time to
693 enforce a lien is ~~not effective 1 year after the claim of lien~~
694 ~~was recorded unless, within that time, an action to enforce the~~
695 ~~lien is commenced. The 1-year period is~~ automatically extended
696 for any length of time during which the association is prevented
697 from filing a foreclosure action by an automatic stay resulting
698 from a bankruptcy petition filed by the parcel owner or any
699 other person claiming an interest in the parcel. The claim of
700 lien secures all unpaid assessments that are due and that may

701 accrue after the claim of lien is recorded and through the entry
702 of a final judgment, as well as interest, administrative late
703 fees, and all reasonable costs and attorney fees incurred by the
704 association incident to the collection process. Upon payment in
705 full, the person making the payment is entitled to a
706 satisfaction of the lien.

707 Section 7. Subsection (4) of section 718.128, Florida
708 Statutes, is amended to read:

709 718.128 Electronic voting.—The association may conduct
710 elections and other unit owner votes through an Internet-based
711 online voting system if a unit owner consents, in writing, to
712 online voting and if the following requirements are met:

713 (4) This section applies to an association that provides
714 for and authorizes an online voting system pursuant to this
715 section by a board resolution. The board resolution must provide
716 that unit owners receive notice of the opportunity to vote
717 through an online voting system; ~~it~~ must establish reasonable
718 procedures and deadlines for unit owners to consent, in writing
719 or as evidenced by a unit owner registering to utilize online
720 voting through the online voting service provider chosen by the
721 association, to online voting; ~~it~~ and must establish reasonable
722 procedures and deadlines for unit owners to opt out of online
723 voting after giving consent; and may adopt reasonable procedures
724 and deadlines for addressing motions brought at meetings.
725 Written notice of a meeting at which the resolution will be

726 | considered must be ~~mailed, delivered, or electronically~~
 727 | ~~transmitted to the unit owners and~~ posted conspicuously on the
 728 | condominium property or association property at least 14 days
 729 | before the meeting. ~~Evidence of compliance with the 14-day~~
 730 | ~~notice requirement must be made by an affidavit executed by the~~
 731 | ~~person providing the notice and filed with the official records~~
 732 | ~~of the association.~~

733 | Section 8. Subsections (1) and (3) of section 718.303,
 734 | Florida Statutes, are amended to read:

735 | 718.303 Obligations of owners and occupants; remedies.—

736 | (1) Each unit owner, each tenant and other invitee, and
 737 | each association is governed by, and must comply with the
 738 | provisions of, this chapter, the declaration, the documents
 739 | creating the association, and the association bylaws which shall
 740 | be deemed expressly incorporated into any lease of a unit.
 741 | Actions for damages or for injunctive relief, or both, for
 742 | failure to comply with these provisions may be brought by the
 743 | association or by a unit owner against:

744 | (a) The association.

745 | (b) A unit owner.

746 | (c) Directors designated by the developer, for actions
 747 | taken by them before control of the association is assumed by
 748 | unit owners other than the developer.

749 | (d) Any director who willfully and knowingly fails to
 750 | comply with these provisions.

751 (e) Any tenant leasing a unit, and any other invitee
752 occupying a unit.

753
754 The prevailing party in any such action or in any action in
755 which the purchaser claims a right of voidability based upon
756 contractual provisions as required in s. 718.503(1)(a) is
757 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
758 owner prevailing in an action between the association and the
759 unit owner under this section, in addition to recovering his or
760 her reasonable attorney ~~attorney's~~ fees, may recover additional
761 amounts as determined by the court to be necessary to reimburse
762 the unit owner for his or her share of assessments levied by the
763 association to fund its expenses of the litigation. This relief
764 does not exclude other remedies provided by law. Actions arising
765 under this subsection may not be deemed to be actions for
766 specific performance.

767 (3) The association may levy reasonable fines for the
768 failure of the owner of the unit or its occupant, licensee, or
769 invitee to comply with any provision of the declaration, the
770 association bylaws, or reasonable rules of the association.
771 Except as otherwise provided in this subsection, a fine may not
772 become a lien against a unit. A fine may be levied by the board
773 on the basis of each day of a continuing violation, with a
774 single notice and opportunity for hearing before a committee as
775 provided in paragraph (b). However, the fine may not exceed \$100

776 | per violation~~,~~ or \$1,000 in the aggregate unless otherwise
777 | provided in the condominium documents. A fine of \$1,000 or more
778 | is considered an assessment and is collectible as provided in s.
779 | 718.116. In any action to recover a fine, the prevailing party
780 | is entitled to reasonable attorney fees and costs from the
781 | nonprevailing party as determined by the court.

782 | (a) An association may suspend, for a reasonable period of
783 | time, the right of a unit owner, or a unit owner's tenant,
784 | guest, or invitee, to use the common elements, common
785 | facilities, or any other association property for failure to
786 | comply with any provision of the declaration, the association
787 | bylaws, or reasonable rules of the association. This paragraph
788 | does not apply to limited common elements intended to be used
789 | only by that unit, common elements needed to access the unit,
790 | utility services provided to the unit, parking spaces, or
791 | elevators.

792 | (b) A fine or suspension levied by the board of
793 | administration may not be imposed unless the board first
794 | provides at least 14 days' written notice to the unit owner and,
795 | if applicable, any occupant, licensee, or invitee of the unit
796 | owner sought to be fined or suspended, and an opportunity for a
797 | hearing before a committee of at least three members appointed
798 | by the board who are not officers, directors, or employees of
799 | the association, or the spouse, parent, child, brother, or
800 | sister of an officer, director, or employee. The role of the

801 committee is limited to determining whether to confirm or reject
 802 the fine or suspension levied by the board. If the committee
 803 does not approve the proposed fine or suspension by majority
 804 vote, the fine or suspension may not be imposed. If the proposed
 805 fine or suspension is approved by the committee, the fine
 806 payment is due 5 days after notice of the approved fine is
 807 provided to the unit owner and, if applicable, to any tenant,
 808 licensee, or invitee of the unit owner ~~the date of the committee~~
 809 ~~meeting at which the fine is approved~~. The association must
 810 provide written notice of such fine or suspension by mail or
 811 hand delivery to the unit owner and, if applicable, to any
 812 tenant, licensee, or invitee of the unit owner.

813 Section 9. Paragraphs (a) and (c) of subsection (2) of
 814 section 719.104, Florida Statutes, are amended to read:

815 719.104 Cooperatives; access to units; records; financial
 816 reports; assessments; purchase of leases.—

817 (2) OFFICIAL RECORDS.—

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

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

824 2. A photocopy of the cooperative documents.

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

826 4. A book or books containing the minutes of all meetings
827 of the association, of the board of directors, and of the unit
828 owners.

829 5. A current roster of all unit owners and their mailing
830 addresses, unit identifications, voting certifications, and, if
831 known, telephone numbers. The association shall also maintain
832 the e-mail addresses and the numbers designated by unit owners
833 for receiving notice sent by electronic transmission of those
834 unit owners consenting to receive notice by electronic
835 transmission. The e-mail addresses and numbers provided by unit
836 owners to receive notice by electronic transmission shall be
837 removed from association records when consent to receive notice
838 by electronic transmission is revoked. However, the association
839 is not liable for an erroneous disclosure of the e-mail address
840 or the number for receiving electronic transmission of notices.

841 6. All current insurance policies of the association.

842 7. A current copy of any management agreement, lease, or
843 other contract to which the association is a party or under
844 which the association or the unit owners have an obligation or
845 responsibility.

846 8. Bills of sale or transfer for all property owned by the
847 association.

848 9. Accounting records for the association and separate
849 accounting records for each unit it operates, according to good
850 accounting practices. The accounting records shall include, but

851 not be limited to:

852 a. Accurate, itemized, and detailed records of all
853 receipts and expenditures.

854 b. A current account and a monthly, bimonthly, or
855 quarterly statement of the account for each unit designating the
856 name of the unit owner, the due date and amount of each
857 assessment, the amount paid upon the account, and the balance
858 due.

859 c. All audits, reviews, accounting statements, and
860 financial reports of the association.

861 d. All contracts for work to be performed. Bids for work
862 to be performed shall also be considered official records and
863 shall be maintained for a period of 1 year.

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

868 11. All rental records where the association is acting as
869 agent for the rental of units.

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

872 13. All other written records of the association not
873 specifically included in the foregoing which are related to the
874 operation of the association. However, the records contained on
875 the personal computers or electronic devices of the officers,

876 directors, and committee members are not official records of the
877 association, but are personal property of the owner of the
878 computer or electronic device. Electronic correspondence between
879 officers, directors, or committee members are not official
880 records unless the correspondence is also located on a computer
881 maintained by the association and is not otherwise excluded or
882 exempted from the official records.

883 (c) The official records of the association are open to
884 inspection by any association member or the authorized
885 representative of such member at all reasonable times. The right
886 to inspect the records includes the right to make or obtain
887 copies, at the reasonable expense, if any, of the association
888 member. The association may adopt reasonable rules regarding the
889 frequency, time, location, notice, and manner of record
890 inspections and copying, but may not require a unit owner to
891 demonstrate any purpose for the inspection or state any reason
892 for the inspection, or limit a unit owner's right to inspect
893 records to less than one 8-hour business day per month. The
894 failure of an association to provide the records within 10
895 working days after receipt of a written request creates a
896 rebuttable presumption that the association willfully failed to
897 comply with this paragraph. A unit owner who is denied access to
898 official records is entitled to the actual damages or minimum
899 damages for the association's willful failure to comply. The
900 minimum damages are \$50 per calendar day for up to 10 days,

901 beginning on the 11th working day after receipt of the written
902 request. The failure to permit inspection entitles any person
903 prevailing in an enforcement action to recover reasonable
904 attorney fees from the person in control of the records who,
905 directly or indirectly, knowingly denied access to the records.
906 Any person who knowingly or intentionally defaces or destroys
907 accounting records that are required by this chapter to be
908 maintained during the period for which such records are required
909 to be maintained, or who knowingly or intentionally fails to
910 create or maintain accounting records that are required to be
911 created or maintained, with the intent of causing harm to the
912 association or one or more of its members, is personally subject
913 to a civil penalty pursuant to s. 719.501(1)(d). The association
914 shall maintain an adequate number of copies of the declaration,
915 articles of incorporation, bylaws, and rules, and all amendments
916 to each of the foregoing, as well as the question and answer
917 sheet as described in s. 719.504 and year-end financial
918 information required by the department, on the cooperative
919 property to ensure their availability to unit owners and
920 prospective purchasers, and may charge its actual costs for
921 preparing and furnishing these documents to those requesting the
922 same. An association shall allow a member or his or her
923 authorized representative to use a portable device, including a
924 smartphone, tablet, portable scanner, or any other technology
925 capable of scanning or taking photographs, to make an electronic

926 | copy of the official records in lieu of the association
927 | providing the member or his or her authorized representative
928 | with a copy of such records. The association may not charge a
929 | member or his or her authorized representative for the use of a
930 | portable device. Notwithstanding this paragraph, the following
931 | records shall not be accessible to unit owners:

932 | 1. Any record protected by the lawyer-client privilege as
933 | described in s. 90.502 and any record protected by the work-
934 | product privilege, including any record prepared by an
935 | association attorney or prepared at the attorney's express
936 | direction which reflects a mental impression, conclusion,
937 | litigation strategy, or legal theory of the attorney or the
938 | association, and which was prepared exclusively for civil or
939 | criminal litigation or for adversarial administrative
940 | proceedings, or which was prepared in anticipation of such
941 | litigation or proceedings until the conclusion of the litigation
942 | or proceedings.

943 | 2. Information obtained by an association in connection
944 | with the approval of the lease, sale, or other transfer of a
945 | unit.

946 | 3. Personnel records of association or management company
947 | employees, including, but not limited to, disciplinary, payroll,
948 | health, and insurance records. For purposes of this
949 | subparagraph, the term "personnel records" does not include
950 | written employment agreements with an association employee or

951 management company, or budgetary or financial records that
952 indicate the compensation paid to an association employee.

953 4. Medical records of unit owners.

954 5. Social security numbers, driver license numbers, credit
955 card numbers, e-mail addresses, telephone numbers, facsimile
956 numbers, emergency contact information, addresses of a unit
957 owner other than as provided to fulfill the association's notice
958 requirements, and other personal identifying information of any
959 person, excluding the person's name, unit designation, mailing
960 address, property address, and any address, e-mail address, or
961 facsimile number provided to the association to fulfill the
962 association's notice requirements. Notwithstanding the
963 restrictions in this subparagraph, an association may print and
964 distribute to parcel owners a directory containing the name,
965 parcel address, and all telephone numbers of each parcel owner.
966 However, an owner may exclude his or her telephone numbers from
967 the directory by so requesting in writing to the association. An
968 owner may consent in writing to the disclosure of other contact
969 information described in this subparagraph. The association is
970 not liable for the inadvertent disclosure of information that is
971 protected under this subparagraph if the information is included
972 in an official record of the association and is voluntarily
973 provided by an owner and not requested by the association.

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

976 7. The software and operating system used by the
 977 association which allow the manipulation of data, even if the
 978 owner owns a copy of the same software used by the association.
 979 The data is part of the official records of the association.

980 Section 10. Subsection (4) of section 719.129, Florida
 981 Statutes, is amended to read:

982 719.129 Electronic voting.—The association may conduct
 983 elections and other unit owner votes through an Internet-based
 984 online voting system if a unit owner consents, in writing, to
 985 online voting and if the following requirements are met:

986 (4) This section applies to an association that provides
 987 for and authorizes an online voting system pursuant to this
 988 section by a board resolution. The board resolution must provide
 989 that unit owners receive notice of the opportunity to vote
 990 through an online voting system;7 must establish reasonable
 991 procedures and deadlines for unit owners to consent, in writing
 992 or as evidenced by a unit owner registering to utilize online
 993 voting through the online voting service provider chosen by the
 994 association, to online voting;~~7~~ ~~and~~ must establish reasonable
 995 procedures and deadlines for unit owners to opt out of online
 996 voting after giving consent; and may adopt reasonable procedures
 997 and deadlines for addressing motions brought at meetings.

998 Written notice of a meeting at which the resolution will be
 999 considered must be ~~mailed, delivered, or electronically~~
 1000 ~~transmitted to the unit owners and posted conspicuously on the~~

1001 condominium property or association property at least 14 days
 1002 before the meeting. ~~Evidence of compliance with the 14-day~~
 1003 ~~notice requirement must be made by an affidavit executed by the~~
 1004 ~~person providing the notice and filed with the official records~~
 1005 ~~of the association.~~

1006 Section 11. Paragraph (c) of subsection (2) and paragraph
 1007 (1) of subsection (4) of section 720.303, Florida Statutes, are
 1008 amended, and paragraph (m) is added to subsection (4) of that
 1009 section, to read:

1010 720.303 Association powers and duties; meetings of board;
 1011 official records; budgets; financial reporting; association
 1012 funds; recalls.—

1013 (2) BOARD MEETINGS.—

1014 (c) The bylaws shall provide the following for giving
 1015 notice to parcel owners and members of all board meetings and,
 1016 if they do not do so, shall be deemed to include the following:

1017 1. Notices of all board meetings must be posted in a
 1018 conspicuous place in the community at least 48 hours in advance
 1019 of a meeting, except in an emergency. In the alternative, if
 1020 notice is not posted in a conspicuous place in the community,
 1021 notice of each board meeting must be mailed or delivered to each
 1022 member at least 7 days before the meeting, except in an
 1023 emergency. Notwithstanding this general notice requirement, for
 1024 communities with more than 100 members, the association bylaws
 1025 may provide for a reasonable alternative to posting or mailing

1026 of notice for each board meeting, including publication of
1027 notice, provision of a schedule of board meetings, or the
1028 conspicuous posting and repeated broadcasting of the notice on a
1029 closed-circuit cable television system serving the homeowners'
1030 association. However, if broadcast notice is used in lieu of a
1031 notice posted physically in the community, the notice must be
1032 broadcast at least four times every broadcast hour of each day
1033 that a posted notice is otherwise required. When broadcast
1034 notice is provided, the notice and agenda must be broadcast in a
1035 manner and for a sufficient continuous length of time so as to
1036 allow an average reader to observe the notice and read and
1037 comprehend the entire content of the notice and the agenda. In
1038 addition to any of the authorized means of providing notice of a
1039 meeting of the board, the association may, by rule, adopt a
1040 procedure for conspicuously posting the meeting notice and the
1041 agenda on a website serving the association for at least the
1042 minimum period of time for which a notice of a meeting is also
1043 required to be physically posted on the association property.
1044 Any rule adopted shall, in addition to other matters, include a
1045 requirement that the association send an electronic notice in
1046 the same manner as a notice for a meeting of the members, which
1047 must include a hyperlink to the website where the notice is
1048 posted, to members whose e-mail addresses are included in the
1049 association's official records. The association may provide
1050 notice by electronic transmission in a manner authorized by law

1051 for meetings of the board of directors, committee meetings
1052 requiring notice under this section, and annual and special
1053 meetings of the members to any member who has provided a
1054 facsimile number or e-mail address to the association to be used
1055 for such purposes; however, a member must consent in writing to
1056 receiving notice by electronic transmission.

1057 2. An assessment may not be levied at a board meeting
1058 unless the notice of the meeting includes a statement that
1059 assessments will be considered and the nature of the
1060 assessments. Written notice of any meeting at which special
1061 assessments will be considered or at which amendments to rules
1062 regarding parcel use will be considered must be mailed,
1063 delivered, or electronically transmitted to the members and
1064 parcel owners and posted conspicuously on the property or
1065 broadcast on closed-circuit cable television not less than 14
1066 days before the meeting.

1067 3. Directors may not vote by proxy or by secret ballot at
1068 board meetings, except that secret ballots may be used in the
1069 election of officers. This subsection also applies to the
1070 meetings of any committee or other similar body, when a final
1071 decision will be made regarding the expenditure of association
1072 funds, and to any body vested with the power to approve or
1073 disapprove architectural decisions with respect to a specific
1074 parcel of residential property owned by a member of the
1075 community.

1076 (4) OFFICIAL RECORDS.—The association shall maintain each
 1077 of the following items, when applicable, which constitute the
 1078 official records of the association:

1079 (1) Ballots, sign-in sheets, voting proxies, and all other
 1080 papers and electronic records relating to voting by parcel
 1081 owners, which shall be maintained for at least 1 year after the
 1082 date of the election, vote, or meeting to which the document
 1083 relates ~~All other written records of the association not~~
 1084 ~~specifically included in the foregoing which are related to the~~
 1085 ~~operation of the association.~~

1086 (m) All other written records of the association not
 1087 specifically included in paragraphs (a)-(1) which are related to
 1088 the operation of the association. However, the records contained
 1089 on the personal computers or electronic devices of the officers,
 1090 directors, and committee members are not official records of the
 1091 association, but are personal property of the owner of the
 1092 computer or electronic device. Electronic correspondence between
 1093 officers, directors, or committee members are not official
 1094 records unless the correspondence is also located on a computer
 1095 maintained by the association and is not otherwise excluded or
 1096 exempted from the official records.

1097 Section 12. Paragraph (c) of subsection (2) of section
 1098 720.3033, Florida Statutes, is amended to read:

1099 720.3033 Officers and directors.—

1100 (2) If the association enters into a contract or other

1101 transaction with any of its directors or a corporation, firm,
 1102 association that is not an affiliated homeowners' association,
 1103 or other entity in which an association director is also a
 1104 director or officer or is financially interested, the board
 1105 must:

1106 (c) Approve the contract or other transaction by an
 1107 affirmative vote of two-thirds of the directors present at the
 1108 meeting who do not have a financial interest in the contract or
 1109 transaction.

1110 Section 13. Subsections (1) and (2) of section 720.305,
 1111 Florida Statutes, are amended to read:

1112 720.305 Obligations of members; remedies at law or in
 1113 equity; levy of fines and suspension of use rights.-

1114 (1) Each member and the member's tenants, guests, and
 1115 invitees, and each association, are governed by, and must comply
 1116 with, this chapter and ~~the governing documents of the~~
 1117 ~~community, and the rules of the association.~~ Actions at law or
 1118 in equity, or both, to redress alleged failure or refusal to
 1119 comply with these provisions may be brought by the association
 1120 or by any member against:

1121 (a) The association;

1122 (b) A member;

1123 (c) Any director or officer of an association who
 1124 willfully and knowingly fails to comply with these provisions;
 1125 and

1126 (d) Any tenants, guests, or invitees occupying a parcel or
1127 using the common areas.

1128
1129 The prevailing party in any such litigation is entitled to
1130 recover reasonable attorney fees and costs. A member prevailing
1131 in an action between the association and the member under this
1132 section, in addition to recovering his or her reasonable
1133 attorney fees, may recover additional amounts as determined by
1134 the court to be necessary to reimburse the member for his or her
1135 share of assessments levied by the association to fund its
1136 expenses of the litigation. This relief does not exclude other
1137 remedies provided by law. This section does not deprive any
1138 person of any other available right or remedy.

1139 (2) All associations ~~The association~~ may levy reasonable
1140 fines and assessments for fines of \$1,000 or more. A fine may
1141 not exceed \$100 per violation against any member or any member's
1142 tenant, guest, or invitee for the failure of the owner of the
1143 parcel or its occupant, licensee, or invitee to comply with any
1144 provision of the declaration or, ~~the~~ association bylaws, ~~or~~
1145 ~~reasonable rules of the association~~ unless otherwise provided in
1146 the governing documents. A fine may be levied by the board for
1147 each day of a continuing violation, with a single notice and
1148 opportunity for hearing, except that the fine may not exceed
1149 \$1,000 in the aggregate unless otherwise provided in the
1150 governing documents. A fine of \$1,000 or more is considered an

1151 assessment and is collectible as provided in s. 720.3085. A fine
1152 of less than \$1,000 may not be assessed ~~become a lien~~ against a
1153 parcel. In any action to recover a fine, the prevailing party is
1154 entitled to reasonable attorney fees and costs from the
1155 nonprevailing party as determined by the court.

1156 (a) An association may suspend, for a reasonable period of
1157 time, the right of a member, or a member's tenant, guest, or
1158 invitee, to use common areas and facilities for the failure of
1159 the owner of the parcel or its occupant, licensee, or invitee to
1160 comply with any provision of the declaration or, ~~the association~~
1161 ~~bylaws, or reasonable rules of the association.~~ This paragraph
1162 does not apply to that portion of common areas used to provide
1163 access or utility services to the parcel. A suspension may not
1164 prohibit an owner or tenant of a parcel from having vehicular
1165 and pedestrian ingress to and egress from the parcel, including,
1166 but not limited to, the right to park.

1167 (b) A fine or suspension levied by the board of
1168 administration may not be imposed unless the board first
1169 provides at least 14 days' notice to the parcel owner and, if
1170 applicable, any occupant, licensee, or invitee of the parcel
1171 owner, sought to be fined or suspended and an opportunity for a
1172 hearing before a committee of at least three members appointed
1173 by the board who are not officers, directors, or employees of
1174 the association, or the spouse, parent, child, brother, or
1175 sister of an officer, director, or employee. If the committee,

1176 by majority vote, does not approve a proposed fine or
 1177 suspension, the proposed fine or suspension may not be imposed.
 1178 The role of the committee is limited to determining whether to
 1179 confirm or reject the fine or suspension levied by the board. If
 1180 the proposed fine or suspension levied by the board is approved
 1181 by the committee, the fine payment is due 5 days after notice of
 1182 the approved fine is provided to the parcel owner and, if
 1183 applicable, to any occupant, licensee, or invitee of the parcel
 1184 owner ~~the date of the committee meeting at which the fine is~~
 1185 ~~approved~~. The association must provide written notice of such
 1186 fine or suspension by mail or hand delivery to the parcel owner
 1187 and, if applicable, to any tenant, licensee, or invitee of the
 1188 parcel owner.

1189 Section 14. Paragraphs (b) and (g) of subsection (1) of
 1190 section 720.306, Florida Statutes, are amended to read:

1191 720.306 Meetings of members; voting and election
 1192 procedures; amendments.—

1193 (1) QUORUM; AMENDMENTS.—

1194 (b) Notwithstanding any provision to the contrary in any
 1195 declaration, articles of incorporation, or bylaws ~~Unless~~
 1196 ~~otherwise provided in the governing documents or required by~~
 1197 ~~law~~, and other than those matters set forth in paragraph (c),
 1198 any governing document of an association may be amended by the
 1199 approval of owners holding at least a majority of the voting
 1200 interests of all parcels. However, the declaration, articles of

1201 incorporation, or bylaws may be amended by a lower voting
1202 percentage if so stated in the declaration, articles of
1203 incorporation, or bylaws ~~the affirmative vote of two-thirds of~~
1204 ~~the voting interests of the association.~~ Within 30 days after
1205 recording an amendment to the governing documents, the
1206 association shall provide copies of the amendment to the
1207 members. However, if a copy of the proposed amendment is
1208 provided to the members before they vote on the amendment and
1209 the proposed amendment is not changed before the vote, the
1210 association, in lieu of providing a copy of the amendment, may
1211 provide notice to the members that the amendment was adopted,
1212 identifying the official book and page number or instrument
1213 number of the recorded amendment and that a copy of the
1214 amendment is available at no charge to the member upon written
1215 request to the association. The copies and notice described in
1216 this paragraph may be provided electronically to those owners
1217 who previously consented to receive notice electronically. The
1218 failure to timely provide notice of the recording of the
1219 amendment does not affect the validity or enforceability of the
1220 amendment.

1221 (g) A notice required under this section must be mailed or
1222 delivered to the address identified as the parcel owner's
1223 mailing address in the official records of the association as
1224 required under s. 720.303(4) ~~on the property appraiser's website~~
1225 ~~for the county in which the parcel is located,~~ or electronically

1226 transmitted in a manner authorized by the association if the
 1227 parcel owner has consented, in writing, to receive notice by
 1228 electronic transmission.

1229 Section 15. Subsection (1) of section 720.3085, Florida
 1230 Statutes, is amended to read:

1231 720.3085 Payment for assessments; lien claims.—

1232 (1) When authorized by the governing documents, the
 1233 association has a lien on each parcel to secure the payment of
 1234 assessments and other amounts provided for by this section.
 1235 Except as otherwise set forth in this section, the lien is
 1236 effective from and shall relate back to the date on which the
 1237 original declaration of the community was recorded. However, as
 1238 to first mortgages of record, the lien is effective from and
 1239 after recording of a claim of lien in the public records of the
 1240 county in which the parcel is located. This subsection does not
 1241 bestow upon any lien, mortgage, or certified judgment of record
 1242 on July 1, 2008, including the lien for unpaid assessments
 1243 created in this section, a priority that, by law, the lien,
 1244 mortgage, or judgment did not have before July 1, 2008. The time
 1245 to enforce a lien is automatically extended for any length of
 1246 time during which the association is prevented from filing a
 1247 foreclosure action by an automatic stay resulting from a
 1248 bankruptcy petition filed by the parcel owner or any other
 1249 person claiming an interest in the parcel.

1250 (a) To be valid, a claim of lien must state the

1251 description of the parcel, the name of the record owner, the
 1252 name and address of the association, the assessment amount due,
 1253 and the due date. The claim of lien secures all unpaid
 1254 assessments that are due and that may accrue subsequent to the
 1255 recording of the claim of lien and before entry of a certificate
 1256 of title, as well as interest, late charges, and reasonable
 1257 costs and attorney fees incurred by the association incident to
 1258 the collection process. The person making payment is entitled to
 1259 a satisfaction of the lien upon payment in full.

1260 (b) By recording a notice in substantially the following
 1261 form, a parcel owner or the parcel owner's agent or attorney may
 1262 require the association to enforce a recorded claim of lien
 1263 against his or her parcel:

1264 NOTICE OF CONTEST OF LIEN

1265 TO: ...(Name and address of association)...

1266 You are notified that the undersigned contests the claim of lien
 1267 filed by you on, ...(year)...., and recorded in Official
 1268 Records Book at page, of the public records of
 1269 County, Florida, and that the time within which you may file
 1270 suit to enforce your lien is limited to 90 days following the
 1271 date of service of this notice. Executed this day of,
 1272 ...(year)....

1273 Signed: ...(Owner or Attorney)...

1274 After the notice of a contest of lien has been recorded, the
 1275 clerk of the circuit court shall mail a copy of the recorded

1276 notice to the association by certified mail, return receipt
 1277 requested, at the address shown in the claim of lien or the most
 1278 recent amendment to it and shall certify to the service on the
 1279 face of the notice. Service is complete upon mailing. After
 1280 service, the association has 90 days in which to file an action
 1281 to enforce the lien and, if the action is not filed within the
 1282 90-day period, the lien is void. However, the 90-day period
 1283 shall be extended for any length of time that the association is
 1284 prevented from filing its action because of an automatic stay
 1285 resulting from the filing of a bankruptcy petition by the parcel
 1286 owner or by any other person claiming an interest in the parcel.

1287 (c) The association may bring an action in its name to
 1288 foreclose a lien for assessments in the same manner in which a
 1289 mortgage of real property is foreclosed and may also bring an
 1290 action to recover a money judgment for the unpaid assessments
 1291 without waiving any claim of lien. The association is entitled
 1292 to recover its reasonable attorney ~~attorney's~~ fees incurred in
 1293 an action to foreclose a lien or an action to recover a money
 1294 judgment for unpaid assessments.

1295 (d) A release of lien must be in substantially the
 1296 following form:

1297 RELEASE OF LIEN

1298 The undersigned lienor, in consideration of the final payment in
 1299 the amount of \$....., hereby waives and releases its lien and
 1300 right to claim a lien for unpaid assessments through,

1301 ... (year) ..., recorded in the Official Records Book at Page
 1302, of the public records of County, Florida, for the
 1303 following described real property:
 1304 (PARCEL NO. OR LOT AND BLOCK) OF ... (subdivision name) ...
 1305 SUBDIVISION AS SHOWN IN THE PLAT THEREOF, RECORDED AT PLAT BOOK
 1306, PAGE, OF THE OFFICIAL RECORDS OF COUNTY,
 1307 FLORIDA.
 1308 ... (or insert appropriate metes and bounds description here) ...
 1309 ... (Signature of Authorized Agent) (Signature of Witness) ...
 1310 ... (Print Name) ... (Print Name) ...
 1311 ... (Signature of Witness) ...
 1312 ... (Print Name) ...
 1313 Sworn to (or affirmed) and subscribed before me this day of
 1314, ... (year) ..., by ... (name of person making statement) ...
 1315 ... (Signature of Notary Public) ...
 1316 ... (Print, type, or stamp commissioned name of Notary Public) ...
 1317 Personally Known OR Produced as identification.
 1318 (e) If the parcel owner remains in possession of the
 1319 parcel after a foreclosure judgment has been entered, the court
 1320 may require the parcel owner to pay a reasonable rent for the
 1321 parcel. If the parcel is rented or leased during the pendency of
 1322 the foreclosure action, the association is entitled to the
 1323 appointment of a receiver to collect the rent. The expenses of
 1324 the receiver must be paid by the party who does not prevail in
 1325 the foreclosure action.

1326 (f) The association may purchase the parcel at the
 1327 foreclosure sale and hold, lease, mortgage, or convey the
 1328 parcel.

1329 Section 16. Subsection (4) of section 720.317, Florida
 1330 Statutes, is amended to read:

1331 720.317 Electronic voting.—The association may conduct
 1332 elections and other membership votes through an Internet-based
 1333 online voting system if a member consents, in writing, to online
 1334 voting and if the following requirements are met:

1335 (4) This section applies to an association that provides
 1336 for and authorizes an online voting system pursuant to this
 1337 section by a board resolution. The board resolution must provide
 1338 that members receive notice of the opportunity to vote through
 1339 an online voting system; ~~it~~ must establish reasonable procedures
 1340 and deadlines for members to consent, in writing or as evidenced
 1341 by a unit owner registering to utilize online voting through the
 1342 online voting service provider chosen by the association, to
 1343 online voting; ~~it~~ and must establish reasonable procedures and
 1344 deadlines for members to opt out of online voting after giving
 1345 consent; and may adopt reasonable procedures and deadlines for
 1346 addressing motions brought at meetings. Written notice of a
 1347 meeting at which the board resolution regarding online voting
 1348 will be considered must be ~~mailed, delivered, or electronically~~
 1349 ~~transmitted to the unit owners and~~ posted conspicuously on the
 1350 condominium property or association property at least 14 days

1351 before the meeting. ~~Evidence of compliance with the 14-day~~
1352 ~~notice requirement must be made by an affidavit executed by the~~
1353 ~~person providing the notice and filed with the official records~~
1354 ~~of the association.~~

1355 Section 17. Paragraph (d) of subsection (3) of section
1356 720.404, Florida Statutes, is amended to read:

1357 720.404 Eligible communities; requirements for revival of
1358 declaration.—Parcel owners in a community are eligible to seek
1359 approval from the Department of Economic Opportunity to revive a
1360 declaration of covenants under this act if all of the following
1361 requirements are met:

1362 (3) The revived declaration may not contain covenants that
1363 are more restrictive on the parcel owners than the covenants
1364 contained in the previous declaration, except that the
1365 declaration may:

1366 (d) Provide for amendments to the declaration and other
1367 governing documents to be provided to the parcel owners in
1368 writing, electronically via the Internet or in another
1369 electronic format, or on a website made accessible to the parcel
1370 owners, if each voting parcel owner acknowledges, in writing,
1371 that he or she received the documents and the manner in which
1372 such documents were received; and

1373 Section 18. Subsections (2), (5), and (6) of section
1374 720.405, Florida Statutes, are amended to read:

1375 720.405 Organizing committee; parcel owner approval.—

1376 (2) The organizing committee shall prepare or cause to be
1377 prepared the complete text of the proposed revised declaration
1378 of covenants to be submitted to the parcel owners for approval.
1379 The proposed revised documents must identify each parcel that is
1380 to be subject to the governing documents by its legal
1381 description, and by the name of the parcel owner or the person
1382 in whose name the parcel is assessed on the last completed tax
1383 assessment roll of the county at the time when the proposed
1384 revised declaration is submitted for approval by the parcel
1385 owners. The proposed revised declaration of covenants may be
1386 provided to the parcel owners in writing, electronically via the
1387 Internet or in another electronic format, or on a website made
1388 accessible to the parcel owners.

1389 (5) A copy of the complete text of the proposed revised
1390 declaration of covenants, the proposed new or existing articles
1391 of incorporation and bylaws of the association, and a graphic
1392 depiction of the property to be governed by the revised
1393 declaration shall be presented to all of the affected parcel
1394 owners by mail, ~~or~~ hand delivery, or another approved method not
1395 less than 14 days before the time that the consent of the
1396 affected parcel owners to the proposed governing documents is
1397 sought by the organizing committee. Such documents may be
1398 provided together with a required consent form for parcel owners
1399 to acknowledge receipt of the documents and the manner in which
1400 such documents were received. The required consent form must be

1401 returned to the organizing committee and later submitted to the
 1402 Department of Economic Opportunity in the manner described in s.
 1403 720.406(1).

1404 (6) The revived declaration of covenants and governing
 1405 documents may be approved without a meeting if a majority of the
 1406 affected parcel owners ~~must~~ agree using written consents, as
 1407 provided in s. 617.0701 in writing to the revived declaration of
 1408 eovenants and governing documents of the association or approve
 1409 the revived declaration and governing documents by a majority
 1410 vote of the affected parcel owners at a meeting ~~of the affected~~
 1411 ~~parcel owners~~ noticed and conducted in the manner prescribed by
 1412 s. 720.306. Proof of notice of the meeting to all affected
 1413 owners of the meeting and the minutes of the meeting recording
 1414 the votes of the property owners shall be certified by a court
 1415 reporter or an attorney licensed to practice in the state.

1416 Section 19. Paragraphs (e) and (f) of subsection (1) of
 1417 section 720.406, Florida Statutes, are amended, and paragraph
 1418 (g) is added to subsection (1) of that section, to read:

1419 720.406 Department of Economic Opportunity; submission;
 1420 review and determination.—

1421 (1) No later than 60 days after the date the proposed
 1422 revived declaration and other governing documents are approved
 1423 by the affected parcel owners, the organizing committee or its
 1424 designee must submit the proposed revived governing documents
 1425 and supporting materials to the Department of Economic

1426 Opportunity to review and determine whether to approve or
 1427 disapprove of the proposal to preserve the residential
 1428 community. The submission to the department must include:

1429 (e) An affidavit by a current or former officer of the
 1430 association or by a member of the organizing committee verifying
 1431 that the requirements for the revived declaration set forth in
 1432 s. 720.404 have been satisfied; ~~and~~

1433 (f) Such other documentation that the organizing committee
 1434 believes is supportive of the policy of preserving the
 1435 residential community and operating, managing, and maintaining
 1436 the infrastructure, aesthetic character, and common areas
 1437 serving the residential community; and

1438 (g) A copy of the documents listed in paragraphs (a)-(f)
 1439 in the same manner as they were provided to the parcel owners
 1440 along with a copy of each parcel owner's required consent form
 1441 acknowledging receipt of such documents and the manner in which
 1442 they were received. If such documents were provided on a website
 1443 made accessible to the parcel owners, a document with the
 1444 hyperlink to access the website must also be submitted.

1445 Section 20. This act shall take effect July 1, 2019.