



318148

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2020	.	
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The Committee on Community Affairs (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 72 - 1430

and insert:

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

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

(4) Every individual unit owner's residential property policy must contain a provision stating that the coverage



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11 afforded by such policy is excess coverage over the amount
12 recoverable under any other policy covering the same property.
13 If a condominium association's insurance policy does not provide
14 rights for subrogation against the unit owners in the
15 association, an insurance policy issued to an individual unit
16 owner located in the association may not provide rights of
17 subrogation against the condominium association.

18 Section 2. Section 712.065, Florida Statutes, is created to
19 read:

20 712.065 Extinguishment of discriminatory restrictions.—

21 (1) As used in this section, the term "discriminatory
22 restriction" means a provision in a title transaction recorded
23 in this state which restricts the ownership, occupancy, or use
24 of any real property in this state by any natural person on the
25 basis of a characteristic that has been held, or is held after
26 July 1, 2020, by the United States Supreme Court or the Florida
27 Supreme Court to be protected against discrimination under the
28 Fourteenth Amendment to the United States Constitution or under
29 s. 2, Art. I of the State Constitution, including race, color,
30 national origin, religion, gender, or physical disability.

31 (2) A discriminatory restriction is not enforceable in this
32 state, and all discriminatory restrictions contained in any
33 title transaction recorded in this state are unlawful, are
34 unenforceable, and are declared null and void. Any
35 discriminatory restriction contained in a previously recorded
36 title transaction is extinguished and severed from the recorded
37 title transaction and the remainder of the title transaction
38 remains enforceable and effective. The recording of any notice
39 preserving or protecting interests or rights pursuant to s.



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40 712.05 does not reimpose or preserve any discriminatory
41 restriction that is extinguished under this section.

42 (3) Upon request of a parcel owner, a discriminatory
43 restriction appearing in a covenant or restriction affecting the
44 parcel may be removed from the covenant or restriction by an
45 amendment approved by a majority vote of the board of directors
46 of the respective property owners' association or an owners'
47 association in which all owners may voluntarily join,
48 notwithstanding any other requirements for approval of an
49 amendment of the covenant or restriction. Unless the amendment
50 also changes other provisions of the covenant or restriction,
51 the recording of an amendment removing a discriminatory
52 restriction does not constitute a title transaction occurring
53 after the root of title for purposes of s. 712.03(4).

54 Section 3. Paragraphs (a), (b), (c), (f) and (g) of
55 subsection (12) of section 718.111, Florida Statutes, are
56 amended to read:

57 718.111 The association.—

58 (12) OFFICIAL RECORDS.—

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

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

64 2. A photocopy of the recorded declaration of condominium
65 of each condominium operated by the association and each
66 amendment to each declaration.

67 3. A photocopy of the recorded bylaws of the association
68 and each amendment to the bylaws.



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69 4. A certified copy of the articles of incorporation of the
70 association, or other documents creating the association, and
71 each amendment thereto.

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

73 6. A book or books that contain the minutes of all meetings
74 of the association, the board of administration, and the unit
75 owners.

76 7. A current roster of all unit owners and their mailing
77 addresses, unit identifications, voting certifications, and, if
78 known, telephone numbers. The association shall also maintain
79 the e-mail addresses and facsimile numbers of unit owners
80 consenting to receive notice by electronic transmission. The e-
81 mail addresses and facsimile numbers are not accessible to unit
82 owners if consent to receive notice by electronic transmission
83 is not provided in accordance with sub-subparagraph (c)3.e.
84 However, the association is not liable for an inadvertent
85 disclosure of the e-mail address or facsimile number for
86 receiving electronic transmission of notices.

87 8. All current insurance policies of the association and
88 condominiums operated by the association.

89 9. A current copy of any management agreement, lease, or
90 other contract to which the association is a party or under
91 which the association or the unit owners have an obligation or
92 responsibility.

93 10. Bills of sale or transfer for all property owned by the
94 association.

95 11. Accounting records for the association and separate
96 accounting records for each condominium that the association
97 operates. Any person who knowingly or intentionally defaces or



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98 destroys such records, or who knowingly or intentionally fails
99 to create or maintain such records, with the intent of causing
100 harm to the association or one or more of its members, is
101 personally subject to a civil penalty under s. 718.501(2)(d)
102 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must
103 include, but are not limited to:

104 a. Accurate, itemized, and detailed records of all receipts
105 and expenditures.

106 b. A current account and a monthly, bimonthly, or quarterly
107 statement of the account for each unit designating the name of
108 the unit owner, the due date and amount of each assessment, the
109 amount paid on the account, and the balance due.

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

112 d. All contracts for work to be performed. Bids for work to
113 be performed are also considered official records and must be
114 maintained by the association for at least 1 year after receipt
115 of the bid.

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

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

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

125 ~~15. All other written records of the association not~~
126 ~~specifically included in the foregoing which are related to the~~



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127 ~~operation of the association.~~

128 ~~16.~~ A copy of the inspection report as described in s.
129 718.301(4)(p).

130 ~~16.17.~~ Bids for materials, equipment, or services.

131 17. All other written records of the association not
132 specifically included in subparagraphs 1.-16. which are related
133 to the operation of the association.

134 (b) The official records specified in subparagraphs (a)1.-
135 6. must be permanently maintained from the inception of the
136 association. Bids for work to be performed or for materials,
137 equipment, or services must be maintained for at least 1 year
138 after receipt of the bid. All other official records must be
139 maintained within the state for at least 7 years, unless
140 otherwise provided by general law. All official records must be
141 maintained in a manner and format determined by the division so
142 that the records are easily accessible for inspection. The
143 records of the association shall be made available to a unit
144 owner within 45 miles of the condominium property or within the
145 county in which the condominium property is located within 10
146 working days after receipt of a written request by the board or
147 its designee. However, such distance requirement does not apply
148 to an association governing a timeshare condominium. This
149 paragraph may be complied with by having a copy of the official
150 records of the association available for inspection or copying
151 on the condominium property or association property, or the
152 association may offer the option of making the records available
153 to a unit owner electronically via the Internet or by allowing
154 the records to be viewed in electronic format on a computer
155 screen and printed upon request. The association is not



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156 responsible for the use or misuse of the information provided to
157 an association member or his or her authorized representative in
158 ~~pursuant to the compliance~~ with requirements of this chapter
159 unless the association has an affirmative duty not to disclose
160 such information under ~~pursuant to~~ this chapter.

161 (c)1. The official records of the association are open to
162 inspection by any association member or the authorized
163 representative of such member at all reasonable times. The right
164 to inspect the records includes the right to make or obtain
165 copies, at the reasonable expense, if any, of the member or
166 authorized representative of such member. A renter of a unit
167 only has a right to inspect and copy the declaration of
168 condominium and association's bylaws and rules. The association
169 must provide a checklist to the member or the authorized
170 representative of such member of all records that are made
171 available for inspection and copying in response to a written
172 request. If any of the association's official records are not
173 available, such records must be identified on the checklist
174 provided to the person requesting the records. The checklist
175 must be signed by a manager licensed pursuant to chapter 468 who
176 certifies that the checklist is accurate to the best of his or
177 her knowledge and belief or the association must provide the
178 person requesting the records with a sworn affidavit attesting
179 to the veracity of the checklist and executed by the person
180 responding to the written request on behalf of the association.
181 The association must maintain a copy of the checklist and
182 affidavit for at least 7 years. Delivery of the checklist and,
183 if required, the sworn affidavit to the person requesting the
184 records creates a rebuttable presumption that the association



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185 complied with this paragraph. The association may adopt
186 reasonable rules regarding the frequency, time, location,
187 notice, and manner of record inspections and copying, but may
188 not require a member to demonstrate any purpose or state any
189 reason for the inspection. The failure of an association to
190 provide the records within 10 working days after receipt of a
191 written request creates a rebuttable presumption that the
192 association willfully failed to comply with this paragraph. A
193 unit owner who is denied access to official records is entitled
194 to the actual damages or minimum damages for the association's
195 willful failure to comply. Minimum damages are \$50 per calendar
196 day for up to 10 days, beginning on the 11th working day after
197 receipt of the written request. The failure to permit inspection
198 entitles any person prevailing in an enforcement action to
199 recover reasonable attorney fees from the person in control of
200 the records who, directly or indirectly, knowingly denied access
201 to the records.

202 2. Any person who knowingly or intentionally defaces or
203 destroys accounting records that are required by this chapter to
204 be maintained during the period for which such records are
205 required to be maintained, or who knowingly or intentionally
206 fails to create or maintain accounting records that are required
207 to be created or maintained, with the intent of causing harm to
208 the association or one or more of its members, is personally
209 subject to a civil penalty under 718.501(2)(d) ~~pursuant to s.~~
210 ~~718.501(1)(d).~~

211 3. The association shall maintain an adequate number of
212 copies of the declaration, articles of incorporation, bylaws,
213 and rules, and all amendments to each of the foregoing, as well



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214 as the question and answer sheet as described in s. 718.504 and
215 year-end financial information required under this section, on
216 the condominium property to ensure their availability to unit
217 owners and prospective purchasers, and may charge its actual
218 costs for preparing and furnishing these documents to those
219 requesting the documents. An association shall allow a member or
220 his or her authorized representative to use a portable device,
221 including a smartphone, tablet, portable scanner, or any other
222 technology capable of scanning or taking photographs, to make an
223 electronic copy of the official records in lieu of the
224 association's providing the member or his or her authorized
225 representative with a copy of such records. The association may
226 not charge a member or his or her authorized representative for
227 the use of a portable device. Notwithstanding this paragraph,
228 the following records are not accessible to unit owners:

229 a. Any record protected by the lawyer-client privilege as
230 described in s. 90.502 and any record protected by the work-
231 product privilege, including a record prepared by an association
232 attorney or prepared at the attorney's express direction, which
233 reflects a mental impression, conclusion, litigation strategy,
234 or legal theory of the attorney or the association, and which
235 was prepared exclusively for civil or criminal litigation or for
236 adversarial administrative proceedings, or which was prepared in
237 anticipation of such litigation or proceedings until the
238 conclusion of the litigation or proceedings.

239 b. Information obtained by an association in connection
240 with the approval of the lease, sale, or other transfer of a
241 unit.

242 c. Personnel records of association or management company



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

249 d. Medical records of unit owners.

250 e. Social security numbers, driver license numbers, credit
251 card numbers, e-mail addresses, telephone numbers, facsimile
252 numbers, emergency contact information, addresses of a unit
253 owner other than as provided to fulfill the association's notice
254 requirements, and other personal identifying information of any
255 person, excluding the person's name, unit designation, mailing
256 address, property address, and any address, e-mail address, or
257 facsimile number provided to the association to fulfill the
258 association's notice requirements. Notwithstanding the
259 restrictions in this sub-subparagraph, an association may print
260 and distribute to unit ~~parcel~~ owners a directory containing the
261 name, unit ~~parcel~~ address, and all telephone numbers of each
262 unit ~~parcel~~ owner. However, an owner may exclude his or her
263 telephone numbers from the directory by so requesting in writing
264 to the association. An owner may consent in writing to the
265 disclosure of other contact information described in this sub-
266 subparagraph. The association is not liable for the inadvertent
267 disclosure of information that is protected under this sub-
268 subparagraph if the information is included in an official
269 record of the association and is voluntarily provided by an
270 owner and not requested by the association.

271 f. Electronic security measures that are used by the



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272 association to safeguard data, including passwords.

273 g. The software and operating system used by the
274 association which allow the manipulation of data, even if the
275 owner owns a copy of the same software used by the association.
276 The data is part of the official records of the association.

277 (f) An outgoing board or committee member must relinquish
278 all official records and property of the association in his or
279 her possession or under his or her control to the incoming board
280 within 5 days after the election. The division shall impose a
281 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~
282 ~~718.501(1)(d)6.~~ against an outgoing board or committee member
283 who willfully and knowingly fails to relinquish such records and
284 property.

285 (g)1. By January 1, 2019, an association managing a
286 condominium with 150 or more units which does not contain
287 timeshare units shall post digital copies of the documents
288 specified in subparagraph 2. on its website or make such
289 documents available through an application that can be
290 downloaded on a mobile device.

291 a. The association's website or application must be:

292 (I) An independent website, application, or web portal
293 wholly owned and operated by the association; or

294 (II) A website, application, or web portal operated by a
295 third-party provider with whom the association owns, leases,
296 rents, or otherwise obtains the right to operate a web page,
297 subpage, web portal, ~~or~~ collection of subpages or web portals,
298 or application which is dedicated to the association's
299 activities and on which required notices, records, and documents
300 may be posted or made available by the association.



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301 b. The association's website or application must be
302 accessible through the Internet and must contain a subpage, web
303 portal, or other protected electronic location that is
304 inaccessible to the general public and accessible only to unit
305 owners and employees of the association.

306 c. Upon a unit owner's written request, the association
307 must provide the unit owner with a username and password and
308 access to the protected sections of the association's website or
309 application that contain any notices, records, or documents that
310 must be electronically provided.

311 2. A current copy of the following documents must be posted
312 in digital format on the association's website or application:

313 a. The recorded declaration of condominium of each
314 condominium operated by the association and each amendment to
315 each declaration.

316 b. The recorded bylaws of the association and each
317 amendment to the bylaws.

318 c. The articles of incorporation of the association, or
319 other documents creating the association, and each amendment to
320 the articles of incorporation or other documents thereto. The
321 copy posted pursuant to this sub-subparagraph must be a copy of
322 the articles of incorporation filed with the Department of
323 State.

324 d. The rules of the association.

325 e. A list of all executory contracts or documents to which
326 the association is a party or under which the association or the
327 unit owners have an obligation or responsibility and, after
328 bidding for the related materials, equipment, or services has
329 closed, a list of bids received by the association within the



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330 past year. Summaries of bids for materials, equipment, or
331 services which exceed \$500 must be maintained on the website or
332 application for 1 year. In lieu of summaries, complete copies of
333 the bids may be posted.

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

336 g. The financial report required by subsection (13) and any
337 monthly income or expense statement to be considered at a
338 meeting.

339 h. The certification of each director required by s.
340 718.112(2)(d)4.b.

341 i. All contracts or transactions between the association
342 and any director, officer, corporation, firm, or association
343 that is not an affiliated condominium association or any other
344 entity in which an association director is also a director or
345 officer and financially interested.

346 j. Any contract or document regarding a conflict of
347 interest or possible conflict of interest as provided in ss.
348 468.436(2)(b)6. and 718.3027(3).

349 k. The notice of any unit owner meeting and the agenda for
350 the meeting, as required by s. 718.112(2)(d)3., no later than 14
351 days before the meeting. The notice must be posted in plain view
352 on the front page of the website or application, or on a
353 separate subpage of the website or application labeled "Notices"
354 which is conspicuously visible and linked from the front page.
355 The association must also post on its website or application any
356 document to be considered and voted on by the owners during the
357 meeting or any document listed on the agenda at least 7 days
358 before the meeting at which the document or the information



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359 within the document will be considered.

360 1. Notice of any board meeting, the agenda, and any other
361 document required for the meeting as required by s.

362 718.112(2) (c), which must be posted no later than the date
363 required for notice under ~~pursuant to~~ s. 718.112(2) (c).

364 3. The association shall ensure that the information and
365 records described in paragraph (c), which are not allowed to be
366 accessible to unit owners, are not posted on the association's
367 website or application. If protected information or information
368 restricted from being accessible to unit owners is included in
369 documents that are required to be posted on the association's
370 website or application, the association shall ensure the
371 information is redacted before posting the documents ~~online~~.

372 Notwithstanding the foregoing, the association or its agent is
373 not liable for disclosing information that is protected or
374 restricted under ~~pursuant to~~ this paragraph unless such
375 disclosure was made with a knowing or intentional disregard of
376 the protected or restricted nature of such information.

377 4. The failure of the association to post information
378 required under subparagraph 2. is not in and of itself
379 sufficient to invalidate any action or decision of the
380 association's board or its committees.

381 Section 4. Paragraphs (d), (i), (k), and (p) of subsection
382 (2) of section 718.112, Florida Statutes, are amended, and
383 paragraph (c) is added to subsection (1) of that section, to
384 read:

385 718.112 Bylaws.—

386 (1) GENERALLY.—

387 (c) The association may extinguish a discriminatory



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388 restriction, as defined in s. 712.065(1), pursuant to s.
389 712.065.

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

393 (d) *Unit owner meetings.*—

394 1. An annual meeting of the unit owners must be held at the
395 location provided in the association bylaws and, if the bylaws
396 are silent as to the location, the meeting must be held within
397 45 miles of the condominium property. However, such distance
398 requirement does not apply to an association governing a
399 timeshare condominium.

400 2. Unless the bylaws provide otherwise, a vacancy on the
401 board caused by the expiration of a director's term must be
402 filled by electing a new board member, and the election must be
403 by secret ballot. An election is not required if the number of
404 vacancies equals or exceeds the number of candidates. For
405 purposes of this paragraph, the term "candidate" means an
406 eligible person who has timely submitted the written notice, as
407 described in sub-subparagraph 4.a., of his or her intention to
408 become a candidate. Except in a timeshare or nonresidential
409 condominium, or if the staggered term of a board member does not
410 expire until a later annual meeting, or if all members' terms
411 would otherwise expire but there are no candidates, the terms of
412 all board members expire at the annual meeting, and such members
413 may stand for reelection unless prohibited by the bylaws. Board
414 members may serve terms longer than 1 year if permitted by the
415 bylaws or articles of incorporation. A board member may not
416 serve more than 8 consecutive years unless approved by an



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417 affirmative vote of unit owners representing two-thirds of all
418 votes cast in the election or unless there are not enough
419 eligible candidates to fill the vacancies on the board at the
420 time of the vacancy. Only board service that occurs on or after
421 July 1, 2018, may be used when calculating a board member's term
422 limit. If the number of board members whose terms expire at the
423 annual meeting equals or exceeds the number of candidates, the
424 candidates become members of the board effective upon the
425 adjournment of the annual meeting. Unless the bylaws provide
426 otherwise, any remaining vacancies shall be filled by the
427 affirmative vote of the majority of the directors making up the
428 newly constituted board even if the directors constitute less
429 than a quorum or there is only one director. In a residential
430 condominium association of more than 10 units or in a
431 residential condominium association that does not include
432 timeshare units or timeshare interests, co-owners of a unit may
433 not serve as members of the board of directors at the same time
434 unless they own more than one unit or unless there are not
435 enough eligible candidates to fill the vacancies on the board at
436 the time of the vacancy. A unit owner in a residential
437 condominium desiring to be a candidate for board membership must
438 comply with sub-subparagraph 4.a. and must be eligible to be a
439 candidate to serve on the board of directors at the time of the
440 deadline for submitting a notice of intent to run in order to
441 have his or her name listed as a proper candidate on the ballot
442 or to serve on the board. A person who has been suspended or
443 removed by the division under this chapter, or who is delinquent
444 in the payment of any monetary obligation due to the
445 association, is not eligible to be a candidate for board



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446 membership and may not be listed on the ballot. A person who has
447 been convicted of any felony in this state or in a United States
448 District or Territorial Court, or who has been convicted of any
449 offense in another jurisdiction which would be considered a
450 felony if committed in this state, is not eligible for board
451 membership unless such felon's civil rights have been restored
452 for at least 5 years as of the date such person seeks election
453 to the board. The validity of an action by the board is not
454 affected if it is later determined that a board member is
455 ineligible for board membership due to having been convicted of
456 a felony. This subparagraph does not limit the term of a member
457 of the board of a nonresidential or timeshare condominium.

458 3. The bylaws must provide the method of calling meetings
459 of unit owners, including annual meetings. Written notice of an
460 annual meeting must include an agenda; ~~it must~~ be mailed, hand
461 delivered, or electronically transmitted to each unit owner at
462 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
463 a conspicuous place on the condominium property at least 14
464 continuous days before the annual meeting. Written notice of a
465 meeting other than an annual meeting must include an agenda; be
466 mailed, hand delivered, or electronically transmitted to each
467 unit owner; and be posted in a conspicuous place on the
468 condominium property in accordance with the minimum period of
469 time for posting a notice as set forth in the bylaws, or if the
470 bylaws do not provide such notice requirements, at least 14
471 continuous days before the meeting. Upon notice to the unit
472 owners, the board shall, by duly adopted rule, designate a
473 specific location on the condominium property where all notices
474 of unit owner meetings must be posted. This requirement does not



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475 apply if there is no condominium property for posting notices.
476 In lieu of, or in addition to, the physical posting of meeting
477 notices, the association may, by reasonable rule, adopt a
478 procedure for conspicuously posting and repeatedly broadcasting
479 the notice and the agenda on a closed-circuit cable television
480 system serving the condominium association. However, if
481 broadcast notice is used in lieu of a notice posted physically
482 on the condominium property, the notice and agenda must be
483 broadcast at least four times every broadcast hour of each day
484 that a posted notice is otherwise required under this section.
485 If broadcast notice is provided, the notice and agenda must be
486 broadcast in a manner and for a sufficient continuous length of
487 time so as to allow an average reader to observe the notice and
488 read and comprehend the entire content of the notice and the
489 agenda. In addition to any of the authorized means of providing
490 notice of a meeting of the board, the association may, by rule,
491 adopt a procedure for conspicuously posting the meeting notice
492 and the agenda on a website serving the condominium association
493 for at least the minimum period of time for which a notice of a
494 meeting is also required to be physically posted on the
495 condominium property. Any rule adopted shall, in addition to
496 other matters, include a requirement that the association send
497 an electronic notice in the same manner as a notice for a
498 meeting of the members, which must include a hyperlink to the
499 website where the notice is posted, to unit owners whose e-mail
500 addresses are included in the association's official records.
501 Unless a unit owner waives in writing the right to receive
502 notice of the annual meeting, such notice must be hand
503 delivered, mailed, or electronically transmitted to each unit



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

519 4. The members of the board of a residential condominium
520 shall be elected by written ballot or voting machine. Proxies
521 may not be used in electing the board in general elections or
522 elections to fill vacancies caused by recall, resignation, or
523 otherwise, unless otherwise provided in this chapter. This
524 subparagraph does not apply to an association governing a
525 timeshare condominium.

526 a. At least 60 days before a scheduled election, the
527 association shall mail, deliver, or electronically transmit, by
528 separate association mailing or included in another association
529 mailing, delivery, or transmission, including regularly
530 published newsletters, to each unit owner entitled to a vote, a
531 first notice of the date of the election. A unit owner or other
532 eligible person desiring to be a candidate for the board must



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533 give written notice of his or her intent to be a candidate to
534 the association at least 40 days before a scheduled election.
535 Together with the written notice and agenda as set forth in
536 subparagraph 3., the association shall mail, deliver, or
537 electronically transmit a second notice of the election to all
538 unit owners entitled to vote, together with a ballot that lists
539 all candidates, not less than 14 days or more than 34 days
540 before the date of the election. Upon request of a candidate, an
541 information sheet, no larger than 8 1/2 inches by 11 inches,
542 which must be furnished by the candidate at least 35 days before
543 the election, must be included with the mailing, delivery, or
544 transmission of the ballot, with the costs of mailing, delivery,
545 or electronic transmission and copying to be borne by the
546 association. The association is not liable for the contents of
547 the information sheets prepared by the candidates. In order to
548 reduce costs, the association may print or duplicate the
549 information sheets on both sides of the paper. The division
550 shall by rule establish voting procedures consistent with this
551 sub-subparagraph, including rules establishing procedures for
552 giving notice by electronic transmission and rules providing for
553 the secrecy of ballots. Elections shall be decided by a
554 plurality of ballots cast. There is no quorum requirement;
555 however, at least 20 percent of the eligible voters must cast a
556 ballot in order to have a valid election. A unit owner may not
557 authorize any other person to vote his or her ballot, and any
558 ballots improperly cast are invalid. A unit owner who violates
559 this provision may be fined by the association in accordance
560 with s. 718.303. A unit owner who needs assistance in casting
561 the ballot for the reasons stated in s. 101.051 may obtain such



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562 assistance. The regular election must occur on the date of the
563 annual meeting. Notwithstanding this sub-subparagraph, an
564 election is not required unless more candidates file notices of
565 intent to run or are nominated than board vacancies exist.

566 b. Within 90 days after being elected or appointed to the
567 board of an association of a residential condominium, each newly
568 elected or appointed director shall certify in writing to the
569 secretary of the association that he or she has read the
570 association's declaration of condominium, articles of
571 incorporation, bylaws, and current written policies; that he or
572 she will work to uphold such documents and policies to the best
573 of his or her ability; and that he or she will faithfully
574 discharge his or her fiduciary responsibility to the
575 association's members. In lieu of this written certification,
576 within 90 days after being elected or appointed to the board,
577 the newly elected or appointed director may submit a certificate
578 of having satisfactorily completed the educational curriculum
579 administered by a division-approved condominium education
580 provider within 1 year before or 90 days after the date of
581 election or appointment. The written certification or
582 educational certificate is valid and does not have to be
583 resubmitted as long as the director serves on the board without
584 interruption. A director of an association of a residential
585 condominium who fails to timely file the written certification
586 or educational certificate is suspended from service on the
587 board until he or she complies with this sub-subparagraph. The
588 board may temporarily fill the vacancy during the period of
589 suspension. The secretary shall cause the association to retain
590 a director's written certification or educational certificate



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591 for inspection by the members for 5 years after a director's
592 election or the duration of the director's uninterrupted tenure,
593 whichever is longer. Failure to have such written certification
594 or educational certificate on file does not affect the validity
595 of any board action.

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

598 5. Any approval by unit owners called for by this chapter
599 or the applicable declaration or bylaws, including, but not
600 limited to, the approval requirement in s. 718.111(8), must be
601 made at a duly noticed meeting of unit owners and is subject to
602 all requirements of this chapter or the applicable condominium
603 documents relating to unit owner decisionmaking, except that
604 unit owners may take action by written agreement, without
605 meetings, on matters for which action by written agreement
606 without meetings is expressly allowed by the applicable bylaws
607 or declaration or any law that provides for such action.

608 6. Unit owners may waive notice of specific meetings if
609 allowed by the applicable bylaws or declaration or any law.
610 Notice of meetings of the board of administration, unit owner
611 meetings, except unit owner meetings called to recall board
612 members under paragraph (j), and committee meetings may be given
613 by electronic transmission to unit owners who consent to receive
614 notice by electronic transmission. A unit owner who consents to
615 receiving notices by electronic transmission is solely
616 responsible for removing or bypassing filters that block receipt
617 of mass e-mails ~~emails~~ sent to members on behalf of the
618 association in the course of giving electronic notices.

619 7. Unit owners have the right to participate in meetings of



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620 unit owners with reference to all designated agenda items.
621 However, the association may adopt reasonable rules governing
622 the frequency, duration, and manner of unit owner participation.

623 8. A unit owner may tape record or videotape a meeting of
624 the unit owners subject to reasonable rules adopted by the
625 division.

626 9. Unless otherwise provided in the bylaws, any vacancy
627 occurring on the board before the expiration of a term may be
628 filled by the affirmative vote of the majority of the remaining
629 directors, even if the remaining directors constitute less than
630 a quorum, or by the sole remaining director. In the alternative,
631 a board may hold an election to fill the vacancy, in which case
632 the election procedures must conform to sub-subparagraph 4.a.
633 unless the association governs 10 units or fewer and has opted
634 out of the statutory election process, in which case the bylaws
635 of the association control. Unless otherwise provided in the
636 bylaws, a board member appointed or elected under this section
637 shall fill the vacancy for the unexpired term of the seat being
638 filled. Filling vacancies created by recall is governed by
639 paragraph (j) and rules adopted by the division.

640 10. This chapter does not limit the use of general or
641 limited proxies, require the use of general or limited proxies,
642 or require the use of a written ballot or voting machine for any
643 agenda item or election at any meeting of a timeshare
644 condominium association or nonresidential condominium
645 association.

646
647 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
648 association of 10 or fewer units may, by affirmative vote of a



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649 majority of the total voting interests, provide for different
650 voting and election procedures in its bylaws, which may be by a
651 proxy specifically delineating the different voting and election
652 procedures. The different voting and election procedures may
653 provide for elections to be conducted by limited or general
654 proxy.

655 (i) Transfer fees.—An association may not ~~no~~ charge an
656 applicant any fees, except the actual costs of any background
657 check or screening performed ~~shall be made~~ by the association as
658 supported by an invoice from an independent third party
659 background investigation company used by the association or its
660 authorized agent, ~~or any body thereof~~ in connection with the
661 sale, mortgage, lease, sublease, or other transfer of a unit
662 unless the association is required to approve such transfer and
663 a fee for such approval is provided for in the declaration,
664 articles, or bylaws. Neither the association, nor its authorized
665 agent may charge an owner, purchaser, mortgagee, lessee, or
666 sublessee any administration fee on such background check or
667 screening. In addition to the actual costs of any background
668 check or screening performed by the association, a transfer ~~any~~
669 such fee may be preset, but may not ~~in no event may such fee~~
670 exceed \$100 per applicant other than spouses or parent and
671 dependent child, who ~~husband/wife or parent/dependent child,~~
672 which are considered one applicant. However, if the lease or
673 sublease is a renewal of a lease or sublease with the same
674 lessee or sublessee, a charge may not ~~no charge shall~~ be made.
675 The foregoing notwithstanding, an association may, if the
676 authority to do so appears in the declaration, articles, or
677 bylaws, require that a prospective lessee place a security



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678 deposit, in an amount not to exceed the equivalent of 1 month's
679 rent, into an escrow account maintained by the association. The
680 security deposit shall protect against damages to the common
681 elements or association property. Payment of interest, claims
682 against the deposit, refunds, and disputes under this paragraph
683 shall be handled in the same fashion as provided in part II of
684 chapter 83.

685 (k) Alternative Dispute Resolution Arbitration.— There must
686 ~~shall~~ be a provision for mandatory alternative dispute
687 resolution nonbinding arbitration as provided for in s. 718.1255
688 for any residential condominium.

689 ~~(p) Service providers; conflicts of interest. An~~
690 ~~association, which is not a timeshare condominium association,~~
691 ~~may not employ or contract with any service provider that is~~
692 ~~owned or operated by a board member or with any person who has a~~
693 ~~financial relationship with a board member or officer, or a~~
694 ~~relative within the third degree of consanguinity by blood or~~
695 ~~marriage of a board member or officer. This paragraph does not~~
696 ~~apply to a service provider in which a board member or officer,~~
697 ~~or a relative within the third degree of consanguinity by blood~~
698 ~~or marriage of a board member or officer, owns less than 1~~
699 ~~percent of the equity shares.~~

700 Section 5. Subsection (8) of section 718.113, Florida
701 Statutes, is amended to read:

702 718.113 Maintenance; limitation upon improvement; display
703 of flag; hurricane shutters and protection; display of religious
704 decorations.—

705 (8) The Legislature finds that the use of electric and
706 natural gas fuel vehicles conserves and protects the state's



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707 environmental resources, provides significant economic savings
708 to drivers, and serves an important public interest. The
709 participation of condominium associations is essential to the
710 state's efforts to conserve and protect the state's
711 environmental resources and provide economic savings to drivers.
712 For purposes of this subsection, the term "natural gas fuel" has
713 the same meaning as in s. 206.9951, and the term "natural gas
714 fuel vehicle" means any motor vehicle, as defined in s.
715 320.01(1), powered by natural gas fuel. Therefore, the
716 installation of an electric vehicle charging or natural gas fuel
717 station shall be governed as follows:

718 (a) A declaration of condominium or restrictive covenant
719 may not prohibit or be enforced so as to prohibit any unit owner
720 from installing an electric vehicle charging or natural gas fuel
721 station within the boundaries of the unit owner's limited common
722 element or exclusively designated parking area. The board of
723 administration of a condominium association may not prohibit a
724 unit owner from installing an electric vehicle charging station
725 for an electric vehicle, as defined in s. 320.01, or a natural
726 gas fuel station for a natural gas fuel vehicle within the
727 boundaries of his or her limited common element or exclusively
728 designated parking area. The installation of such charging or
729 fuel stations are subject to the provisions of this subsection.

730 (b) The installation may not cause irreparable damage to
731 the condominium property.

732 (c) The electricity for the electric vehicle charging or
733 natural gas fuel station must be separately metered or metered
734 by an embedded meter and payable by the unit owner installing
735 such charging or fuel station or by his or her successor.



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736 (d) The cost for supply and storage of the natural gas fuel
737 must be paid by the unit owner installing the natural gas fuel
738 station or by his or her successor.

739 (e)~~(d)~~ The unit owner who is installing an electric vehicle
740 charging or natural gas fuel station is responsible for the
741 costs of installation, operation, maintenance, and repair,
742 including, but not limited to, hazard and liability insurance.
743 The association may enforce payment of such costs under ~~pursuant~~
744 ~~to~~ s. 718.116.

745 (f)~~(e)~~ If the unit owner or his or her successor decides
746 there is no longer a need for the electronic vehicle charging or
747 natural gas fuel station, such person is responsible for the
748 cost of removal of such ~~the electronic vehicle~~ charging or fuel
749 station. The association may enforce payment of such costs under
750 ~~pursuant to~~ s. 718.116.

751 (g) The unit owner installing, maintaining, or removing the
752 electric vehicle charging or natural gas fuel station is
753 responsible for complying with all federal, state, or local laws
754 and regulations applicable to such installation, maintenance, or
755 removal.

756 (h)~~(f)~~ The association may require the unit owner to:

757 1. Comply with bona fide safety requirements, consistent
758 with applicable building codes or recognized safety standards,
759 for the protection of persons and property.

760 2. Comply with reasonable architectural standards adopted
761 by the association that govern the dimensions, placement, or
762 external appearance of the electric vehicle charging or natural
763 gas fuel station, provided that such standards may not prohibit
764 the installation of such charging or fuel station or



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765 substantially increase the cost thereof.

766 3. Engage the services of a licensed and registered firm
767 ~~electrical contractor or engineer~~ familiar with the installation
768 or removal and core requirements of an electric vehicle charging
769 or natural gas fuel station.

770 4. Provide a certificate of insurance naming the
771 association as an additional insured on the owner's insurance
772 policy for any claim related to the installation, maintenance,
773 or use of the electric vehicle charging or natural gas fuel
774 station within 14 days after receiving the association's
775 approval to install such charging or fuel station or notice to
776 provide such a certificate.

777 5. Reimburse the association for the actual cost of any
778 increased insurance premium amount attributable to the electric
779 vehicle charging or natural gas fuel station within 14 days
780 after receiving the association's insurance premium invoice.

781 ~~(i)(g)~~ The association provides an implied easement across
782 the common elements of the condominium property to the unit
783 owner for purposes of ~~the installation of the~~ electric vehicle
784 charging or natural gas fuel station installation, and the
785 furnishing of electrical power or natural gas fuel supply,
786 including any necessary equipment, to such charging or fuel
787 station, subject to the requirements of this subsection.

788 Section 6. Section 718.1255, Florida Statutes, is amended
789 to read:

790 718.1255 Alternative dispute resolution; ~~voluntary~~
791 mediation; ~~mandatory~~ nonbinding arbitration; legislative
792 findings.—

793 (1) DEFINITIONS.—As used in this section, the term



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794 "dispute" means any disagreement between two or more parties
795 that involves:

796 (a) The authority of the board of directors, under this
797 chapter or association document to:

798 1. Require any owner to take any action, or not to take any
799 action, involving that owner's unit or the appurtenances
800 thereto.

801 2. Alter or add to a common area or element.

802 (b) The failure of a governing body, when required by this
803 chapter or an association document, to:

804 1. Properly conduct elections.

805 2. Give adequate notice of meetings or other actions.

806 3. Properly conduct meetings.

807 4. Allow inspection of books and records.

808 (c) A plan of termination pursuant to s. 718.117.

809

810 "Dispute" does not include any disagreement that primarily
811 involves: title to any unit or common element; the
812 interpretation or enforcement of any warranty; the levy of a fee
813 or assessment, or the collection of an assessment levied against
814 a party; the eviction or other removal of a tenant from a unit;
815 alleged breaches of fiduciary duty by one or more directors; or
816 claims for damages to a unit based upon the alleged failure of
817 the association to maintain the common elements or condominium
818 property.

819 (2) VOLUNTARY MEDIATION.—Voluntary mediation through
820 Citizen Dispute Settlement Centers as provided for in s. 44.201
821 is encouraged.

822 (3) LEGISLATIVE FINDINGS.—



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823 (a) The Legislature finds that unit owners are frequently
824 at a disadvantage when litigating against an association.
825 Specifically, a condominium association, with its statutory
826 assessment authority, is often more able to bear the costs and
827 expenses of litigation than the unit owner who must rely on his
828 or her own financial resources to satisfy the costs of
829 litigation against the association.

830 (b) The Legislature finds that alternative dispute
831 resolution has been making progress in reducing court dockets
832 and trials and in offering a more efficient, cost-effective
833 option to court litigation. However, the Legislature also finds
834 that alternative dispute resolution should not be used as a
835 mechanism to encourage the filing of frivolous or nuisance
836 suits.

837 (c) There exists a need to develop a flexible means of
838 alternative dispute resolution that directs disputes to the most
839 efficient means of resolution.

840 (d) The high cost and significant delay of circuit court
841 litigation faced by unit owners in the state can be alleviated
842 by requiring nonbinding arbitration and mediation in appropriate
843 cases, thereby reducing delay and attorney's fees while
844 preserving the right of either party to have its case heard by a
845 jury, if applicable, in a court of law.

846 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF
847 DISPUTES.—The Division of Florida Condominiums, Timeshares, and
848 Mobile Homes of the Department of Business and Professional
849 Regulation may employ full-time attorneys to act as arbitrators
850 to conduct the arbitration hearings provided by this chapter.
851 The division may also certify attorneys who are not employed by



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852 the division to act as arbitrators to conduct the arbitration
853 hearings provided by this chapter. No person may be employed by
854 the department as a full-time arbitrator unless he or she is a
855 member in good standing of The Florida Bar. A person may only be
856 certified by the division to act as an arbitrator if he or she
857 has been a member in good standing of The Florida Bar for at
858 least 5 years and has mediated or arbitrated at least 10
859 disputes involving condominiums in this state during the 3 years
860 immediately preceding the date of application, mediated or
861 arbitrated at least 30 disputes in any subject area in this
862 state during the 3 years immediately preceding the date of
863 application, or attained board certification in real estate law
864 or condominium and planned development law from The Florida Bar.
865 Arbitrator certification is valid for 1 year. An arbitrator who
866 does not maintain the minimum qualifications for initial
867 certification may not have his or her certification renewed. The
868 department may not enter into a legal services contract for an
869 arbitration hearing under this chapter with an attorney who is
870 not a certified arbitrator unless a certified arbitrator is not
871 available within 50 miles of the dispute. The department shall
872 adopt rules of procedure to govern such arbitration hearings
873 including mediation incident thereto. The decision of an
874 arbitrator shall be final; however, a decision shall not be
875 deemed final agency action. Nothing in this provision shall be
876 construed to foreclose parties from proceeding in a trial de
877 novo unless the parties have agreed that the arbitration is
878 binding. If judicial proceedings are initiated, the final
879 decision of the arbitrator shall be admissible in evidence in
880 the trial de novo.



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881 (a) Prior to the institution of court litigation, a party
882 to a dispute shall either petition the division for nonbinding
883 arbitration or initiate presuit mediation as provided in
884 subsection (5). Arbitration shall be binding on the parties if
885 all parties in arbitration agree to be bound in a writing filed
886 in arbitration. The petition must be accompanied by a filing fee
887 in the amount of \$50. Filing fees collected under this section
888 must be used to defray the expenses of the alternative dispute
889 resolution program.

890 (b) The petition must recite, and have attached thereto,
891 supporting proof that the petitioner gave the respondents:

892 1. Advance written notice of the specific nature of the
893 dispute;

894 2. A demand for relief, and a reasonable opportunity to
895 comply or to provide the relief; and

896 3. Notice of the intention to file an arbitration petition
897 or other legal action in the absence of a resolution of the
898 dispute.

899
900 Failure to include the allegations or proof of compliance with
901 these prerequisites requires dismissal of the petition without
902 prejudice.

903 (c) Upon receipt, the petition shall be promptly reviewed
904 by the division to determine the existence of a dispute and
905 compliance with the requirements of paragraphs (a) and (b). If
906 emergency relief is required and is not available through
907 arbitration, a motion to stay the arbitration may be filed. The
908 motion must be accompanied by a verified petition alleging facts
909 that, if proven, would support entry of a temporary injunction,



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910 and if an appropriate motion and supporting papers are filed,
911 the division may abate the arbitration pending a court hearing
912 and disposition of a motion for temporary injunction.

913 (d) Upon determination by the division that a dispute
914 exists and that the petition substantially meets the
915 requirements of paragraphs (a) and (b) and any other applicable
916 rules, the division shall assign or enter into a contract with
917 an arbitrator and serve a copy of the petition upon all
918 respondents. The arbitrator shall conduct a hearing within 30
919 days after being assigned or entering into a contract unless the
920 petition is withdrawn or a continuance is granted for good cause
921 shown.

922 (e) Before or after the filing of the respondents' answer
923 to the petition, any party may request that the arbitrator refer
924 the case to mediation under this section and any rules adopted
925 by the division. Upon receipt of a request for mediation, the
926 division shall promptly contact the parties to determine if
927 there is agreement that mediation would be appropriate. If all
928 parties agree, the dispute must be referred to mediation.
929 Notwithstanding a lack of an agreement by all parties, the
930 arbitrator may refer a dispute to mediation at any time.

931 (f) Upon referral of a case to mediation, the parties must
932 select a mutually acceptable mediator. To assist in the
933 selection, the arbitrator shall provide the parties with a list
934 of both volunteer and paid mediators that have been certified by
935 the division under s. 718.501. If the parties are unable to
936 agree on a mediator within the time allowed by the arbitrator,
937 the arbitrator shall appoint a mediator from the list of
938 certified mediators. If a case is referred to mediation, the



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939 parties shall attend a mediation conference, as scheduled by the
940 parties and the mediator. If any party fails to attend a duly
941 noticed mediation conference, without the permission or approval
942 of the arbitrator or mediator, the arbitrator must impose
943 sanctions against the party, including the striking of any
944 pleadings filed, the entry of an order of dismissal or default
945 if appropriate, and the award of costs and attorney fees
946 incurred by the other parties. Unless otherwise agreed to by the
947 parties or as provided by order of the arbitrator, a party is
948 deemed to have appeared at a mediation conference by the
949 physical presence of the party or its representative having full
950 authority to settle without further consultation, provided that
951 an association may comply by having one or more representatives
952 present with full authority to negotiate a settlement and
953 recommend that the board of administration ratify and approve
954 such a settlement within 5 days from the date of the mediation
955 conference. The parties shall share equally the expense of
956 mediation, unless they agree otherwise.

957 (g) The purpose of mediation as provided for by this
958 section is to present the parties with an opportunity to resolve
959 the underlying dispute in good faith, and with a minimum
960 expenditure of time and resources.

961 (h) Mediation proceedings must generally be conducted in
962 accordance with the Florida Rules of Civil Procedure, and these
963 proceedings are privileged and confidential to the same extent
964 as court-ordered mediation. Persons who are not parties to the
965 dispute are not allowed to attend the mediation conference
966 without the consent of all parties, with the exception of
967 counsel for the parties and corporate representatives designated



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968 to appear for a party. If the mediator declares an impasse after
969 a mediation conference has been held, the arbitration proceeding
970 terminates, unless all parties agree in writing to continue the
971 arbitration proceeding, in which case the arbitrator's decision
972 shall be binding or nonbinding, as agreed upon by the parties;
973 in the arbitration proceeding, the arbitrator shall not consider
974 any evidence relating to the unsuccessful mediation except in a
975 proceeding to impose sanctions for failure to appear at the
976 mediation conference. If the parties do not agree to continue
977 arbitration, the arbitrator shall enter an order of dismissal,
978 and either party may institute a suit in a court of competent
979 jurisdiction. The parties may seek to recover any costs and
980 attorney fees incurred in connection with arbitration and
981 mediation proceedings under this section as part of the costs
982 and fees that may be recovered by the prevailing party in any
983 subsequent litigation.

984 (i) Arbitration shall be conducted according to rules
985 adopted by the division. The filing of a petition for
986 arbitration shall toll the applicable statute of limitations.

987 (j) At the request of any party to the arbitration, the
988 arbitrator shall issue subpoenas for the attendance of witnesses
989 and the production of books, records, documents, and other
990 evidence and any party on whose behalf a subpoena is issued may
991 apply to the court for orders compelling such attendance and
992 production. Subpoenas shall be served and shall be enforceable
993 in the manner provided by the Florida Rules of Civil Procedure.
994 Discovery may, in the discretion of the arbitrator, be permitted
995 in the manner provided by the Florida Rules of Civil Procedure.
996 Rules adopted by the division may authorize any reasonable



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997 sanctions except contempt for a violation of the arbitration
998 procedural rules of the division or for the failure of a party
999 to comply with a reasonable nonfinal order issued by an
1000 arbitrator which is not under judicial review.

1001 (k) The arbitration decision shall be rendered within 30
1002 days after the hearing and presented to the parties in writing.
1003 An arbitration decision is final in those disputes in which the
1004 parties have agreed to be bound. An arbitration decision is also
1005 final if a complaint for a trial de novo is not filed in a court
1006 of competent jurisdiction in which the condominium is located
1007 within 30 days. The right to file for a trial de novo entitles
1008 the parties to file a complaint in the appropriate trial court
1009 for a judicial resolution of the dispute. The prevailing party
1010 in an arbitration proceeding shall be awarded the costs of the
1011 arbitration and reasonable attorney fees in an amount determined
1012 by the arbitrator. Such an award shall include the costs and
1013 reasonable attorney fees incurred in the arbitration proceeding
1014 as well as the costs and reasonable attorney fees incurred in
1015 preparing for and attending any scheduled mediation. An
1016 arbitrator's failure to render a written decision within 30 days
1017 after the hearing may result in the cancellation of his or her
1018 arbitration certification.

1019 (l) The party who files a complaint for a trial de novo
1020 shall be assessed the other party's arbitration costs, court
1021 costs, and other reasonable costs, including attorney fees,
1022 investigation expenses, and expenses for expert or other
1023 testimony or evidence incurred after the arbitration hearing if
1024 the judgment upon the trial de novo is not more favorable than
1025 the arbitration decision. If the judgment is more favorable, the



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1026 party who filed a complaint for trial de novo shall be awarded
1027 reasonable court costs and attorney fees.

1028 (m) Any party to an arbitration proceeding may enforce an
1029 arbitration award by filing a petition in a court of competent
1030 jurisdiction in which the condominium is located. A petition may
1031 not be granted unless the time for appeal by the filing of a
1032 complaint for trial de novo has expired. If a complaint for a
1033 trial de novo has been filed, a petition may not be granted with
1034 respect to an arbitration award that has been stayed. If the
1035 petition for enforcement is granted, the petitioner shall
1036 recover reasonable attorney fees and costs incurred in enforcing
1037 the arbitration award. A mediation settlement may also be
1038 enforced through the county or circuit court, as applicable, and
1039 any costs and fees incurred in the enforcement of a settlement
1040 agreement reached at mediation must be awarded to the prevailing
1041 party in any enforcement action.

1042 (5) PRESUIT MEDIATION.—In lieu of the initiation of
1043 mandatory nonbinding arbitration set forth in subsections (1)-
1044 (4), a party may submit a dispute to presuit mediation in
1045 accordance with s. 720.311. Election and recall disputes are not
1046 eligible for mediation; such disputes must be arbitrated by the
1047 division or filed with a court of competent jurisdiction.

1048 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every
1049 arbitration petition received by the division and required to be
1050 filed under this section challenging the legality of the
1051 election of any director of the board of administration must be
1052 handled on an expedited basis in the manner provided by the
1053 division's rules for recall arbitration disputes.

1054 (7) ~~(6)~~ APPLICABILITY.—This section does not apply to a



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1055 nonresidential condominium unless otherwise specifically
1056 provided for in the declaration of the nonresidential
1057 condominium.

1058 Section 7. Subsection (3) of section 718.202, Florida
1059 Statutes, is amended to read:

1060 718.202 Sales or reservation deposits prior to closing.—

1061 (3) If the contract for sale of the condominium unit so
1062 provides, the developer may withdraw escrow funds in excess of
1063 10 percent of the purchase price from the special account
1064 required by subsection (2) when the construction of improvements
1065 has begun. He or she may use the funds for the actual costs
1066 incurred by the developer in the ~~actual~~ construction and
1067 development of the condominium property in which the unit to be
1068 sold is located. Actual costs include, but are not limited to,
1069 expenditures for demolition, site clearing, permit fees, impact
1070 fees, and utility reservation fees, as well as architectural,
1071 engineering, and surveying fees that directly relate to
1072 construction and development. However, no part of these funds
1073 may be used for salaries, commissions, or expenses of
1074 salespersons; ~~or~~ for advertising, marketing, or promotional
1075 purposes; or for loan fees, costs or interest, attorney fees,
1076 accounting fees, or insurance. A contract which permits use of
1077 the advance payments for these purposes shall include the
1078 following legend conspicuously printed or stamped in boldfaced
1079 type on the first page of the contract and immediately above the
1080 place for the signature of the buyer: ANY PAYMENT IN EXCESS OF
1081 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO
1082 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION
1083 PURPOSES BY THE DEVELOPER.



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1084 Section 8. Subsection (1) and paragraph (b) of subsection
1085 (3) of section 718.303, Florida Statutes, are amended to read:
1086 718.303 Obligations of owners and occupants; remedies.—
1087 (1) Each unit owner, ~~each~~ tenant and other invitee, and
1088 ~~each~~ association is governed by, and must comply with the
1089 provisions of, this chapter, the declaration, the documents
1090 creating the association, and the association bylaws which are
1091 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
1092 Actions at law or in equity ~~for damages or for injunctive~~
1093 ~~relief~~, or both, for failure to comply with these provisions may
1094 be brought by the association or by a unit owner against:
1095 (a) The association.
1096 (b) A unit owner.
1097 (c) Directors designated by the developer, for actions
1098 taken by them before control of the association is assumed by
1099 unit owners other than the developer.
1100 (d) Any director who willfully and knowingly fails to
1101 comply with these provisions.
1102 (e) Any tenant leasing a unit, and any other invitee
1103 occupying a unit.
1104
1105 The prevailing party in any such action or in any action in
1106 which the purchaser claims a right of voidability based upon
1107 contractual provisions as required in s. 718.503(1)(a) is
1108 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
1109 owner prevailing in an action between the association and the
1110 unit owner under this subsection ~~section~~, in addition to
1111 recovering his or her reasonable attorney ~~attorney's~~ fees, may
1112 recover additional amounts as determined by the court to be



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1113 necessary to reimburse the unit owner for his or her share of
1114 assessments levied by the association to fund its expenses of
1115 the litigation. This relief does not exclude other remedies
1116 provided by law. Actions arising under this subsection are not
1117 considered ~~may not be deemed to be~~ actions for specific
1118 performance.

1119 (3) The association may levy reasonable fines for the
1120 failure of the owner of the unit or its occupant, licensee, or
1121 invitee to comply with any provision of the declaration, the
1122 association bylaws, or reasonable rules of the association. A
1123 fine may not become a lien against a unit. A fine may be levied
1124 by the board on the basis of each day of a continuing violation,
1125 with a single notice and opportunity for hearing before a
1126 committee as provided in paragraph (b). However, the fine may
1127 not exceed \$100 per violation, or \$1,000 in the aggregate.

1128 (b) A fine or suspension levied by the board of
1129 administration may not be imposed unless the board first
1130 provides at least 14 days' written notice to the unit owner and,
1131 if applicable, any tenant occupant, licensee, or invitee of the
1132 unit owner sought to be fined or suspended, and an opportunity
1133 for a hearing before a committee of at least three members
1134 appointed by the board who are not officers, directors, or
1135 employees of the association, or the spouse, parent, child,
1136 brother, or sister of an officer, director, or employee. The
1137 role of the committee is limited to determining whether to
1138 confirm or reject the fine or suspension levied by the board. If
1139 the committee does not approve the proposed fine or suspension
1140 by majority vote, the fine or suspension may not be imposed. If
1141 the proposed fine or suspension is approved by the committee,



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1142 the fine payment is due 5 days after notice of the approved fine
1143 is provided to the unit owner and, if applicable, to any tenant,
1144 licensee, or invitee of the unit owner ~~the date of the committee~~
1145 ~~meeting at which the fine is approved.~~ The association must
1146 provide written notice of such fine or suspension by mail or
1147 hand delivery to the unit owner and, if applicable, to any
1148 tenant, licensee, or invitee of the unit owner.

1149 Section 9. Present subsections (1) and (2) of section
1150 718.501, Florida Statutes, are redesignated as subsections (2)
1151 and (3), respectively, a new subsection (1) is added to that
1152 section and paragraphs (h) and (j) of present subsection (1) of
1153 that section are amended, to read:

1154 718.501 Authority, responsibility, and duties of Division
1155 of Florida Condominiums, Timeshares, and Mobile Homes.—

1156 (1) As used in this section, the term "financial issue"
1157 means an issue related to operating budgets; reserve schedules;
1158 accounting records under s. 718.111(12)(a)11.; notices of
1159 meetings; minutes of meetings discussing budget or financial
1160 issues; assessments for common expenses, fees, or fines; the
1161 commingling of funds; and any other record necessary to
1162 determine the revenues and expenses of the association. The
1163 division may adopt rules to further define what a financial
1164 issue is under this section and may adopt a rule outlining the
1165 requirements of the checklist under s. 718.111(c)1.

1166 (2) The division may enforce and ensure compliance with the
1167 provisions of this chapter and rules relating to the
1168 development, construction, sale, lease, ownership, operation,
1169 and management of residential condominium units. In performing
1170 its duties, the division has complete jurisdiction to



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1171 investigate complaints and enforce compliance with respect to
1172 associations that are still under developer control or the
1173 control of a bulk assignee or bulk buyer pursuant to part VII of
1174 this chapter and complaints against developers, bulk assignees,
1175 or bulk buyers involving improper turnover or failure to
1176 turnover, pursuant to s. 718.301. However, after turnover has
1177 occurred, the division has jurisdiction to investigate
1178 complaints related only to financial issues, elections, and the
1179 maintenance of and unit owner access to association records
1180 under ~~pursuant to~~ s. 718.111(12).

1181 (h) The division shall furnish each association that pays
1182 the fees required by paragraph (3) (a) ~~(2) (a)~~ a copy of this
1183 chapter, as amended, and the rules adopted thereto on an annual
1184 basis.

1185 (j) The division shall provide training and educational
1186 programs for condominium association board members and unit
1187 owners. The training may, in the division's discretion, include
1188 web-based electronic media, and live training and seminars in
1189 various locations throughout the state. The division may review
1190 and approve education and training programs for board members
1191 and unit owners offered by providers and shall maintain a
1192 current list of approved programs and providers and make such
1193 list available to board members and unit owners in a reasonable
1194 and cost-effective manner. The division may adopt rules to
1195 establish requirements for the training and educational programs
1196 required in this paragraph.

1197 Section 10. Section 718.5014, Florida Statutes, is amended
1198 to read:

1199 718.5014 Ombudsman location.—The ombudsman shall maintain



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1200 his or her principal office in a Leon County on the premises of
1201 the division or, if suitable space cannot be provided there, at
1202 another place convenient to the offices of the division which
1203 will enable the ombudsman to expeditiously carry out the duties
1204 and functions of his or her office. The ombudsman may establish
1205 branch offices elsewhere in the state upon the concurrence of
1206 the Governor.

1207 Section 11. Subsection (25) of section 719.103, Florida
1208 Statutes, is amended to read:

1209 719.103 Definitions.—As used in this chapter:

1210 (25) "Unit" means a part of the cooperative property which
1211 is subject to exclusive use and possession. A unit may be
1212 improvements, land, or land and improvements together, as
1213 specified in the cooperative documents. An interest in a unit is
1214 an interest in real property.

1215 Section 12. Paragraph (c) of subsection (2) of section
1216 719.104, Florida Statutes, is amended to read:

1217 719.104 Cooperatives; access to units; records; financial
1218 reports; assessments; purchase of leases.—

1219 (2) OFFICIAL RECORDS.—

1220 (c) The official records of the association are open to
1221 inspection by any association member or the authorized
1222 representative of such member at all reasonable times. The right
1223 to inspect the records includes the right to make or obtain
1224 copies, at the reasonable expense, if any, of the association
1225 member. The association may adopt reasonable rules regarding the
1226 frequency, time, location, notice, and manner of record
1227 inspections and copying, but may not require a member to
1228 demonstrate any purpose or state any reason for the inspection.



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1229 The failure of an association to provide the records within 10
1230 working days after receipt of a written request creates a
1231 rebuttable presumption that the association willfully failed to
1232 comply with this paragraph. A member ~~unit-owner~~ who is denied
1233 access to official records is entitled to the actual damages or
1234 minimum damages for the association's willful failure to comply.
1235 The minimum damages are \$50 per calendar day for up to 10 days,
1236 beginning on the 11th working day after receipt of the written
1237 request. The failure to permit inspection entitles any person
1238 prevailing in an enforcement action to recover reasonable
1239 attorney fees from the person in control of the records who,
1240 directly or indirectly, knowingly denied access to the records.
1241 Any person who knowingly or intentionally defaces or destroys
1242 accounting records that are required by this chapter to be
1243 maintained during the period for which such records are required
1244 to be maintained, or who knowingly or intentionally fails to
1245 create or maintain accounting records that are required to be
1246 created or maintained, with the intent of causing harm to the
1247 association or one or more of its members, is personally subject
1248 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
1249 association shall maintain an adequate number of copies of the
1250 declaration, articles of incorporation, bylaws, and rules, and
1251 all amendments to each of the foregoing, as well as the question
1252 and answer sheet as described in s. 719.504 and year-end
1253 financial information required by the department, on the
1254 cooperative property to ensure their availability to members
1255 ~~unit-owners~~ and prospective purchasers, and may charge its
1256 actual costs for preparing and furnishing these documents to
1257 those requesting the same. An association shall allow a member



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1258 or his or her authorized representative to use a portable
1259 device, including a smartphone, tablet, portable scanner, or any
1260 other technology capable of scanning or taking photographs, to
1261 make an electronic copy of the official records in lieu of the
1262 association providing the member or his or her authorized
1263 representative with a copy of such records. The association may
1264 not charge a member or his or her authorized representative for
1265 the use of a portable device. Notwithstanding this paragraph,
1266 the following records shall not be accessible to members ~~unit~~
1267 ~~owners~~:

1268 1. Any record protected by the lawyer-client privilege as
1269 described in s. 90.502 and any record protected by the work-
1270 product privilege, including any record prepared by an
1271 association attorney or prepared at the attorney's express
1272 direction which reflects a mental impression, conclusion,
1273 litigation strategy, or legal theory of the attorney or the
1274 association, and which was prepared exclusively for civil or
1275 criminal litigation or for adversarial administrative
1276 proceedings, or which was prepared in anticipation of such
1277 litigation or proceedings until the conclusion of the litigation
1278 or proceedings.

1279 2. Information obtained by an association in connection
1280 with the approval of the lease, sale, or other transfer of a
1281 unit.

1282 3. Personnel records of association or management company
1283 employees, including, but not limited to, disciplinary, payroll,
1284 health, and insurance records. For purposes of this
1285 subparagraph, the term "personnel records" does not include
1286 written employment agreements with an association employee or



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1287 management company, or budgetary or financial records that
1288 indicate the compensation paid to an association employee.

1289 4. Medical records of unit owners.

1290 5. Social security numbers, driver license numbers, credit
1291 card numbers, e-mail addresses, telephone numbers, facsimile
1292 numbers, emergency contact information, addresses of a unit
1293 owner other than as provided to fulfill the association's notice
1294 requirements, and other personal identifying information of any
1295 person, excluding the person's name, unit designation, mailing
1296 address, property address, and any address, e-mail address, or
1297 facsimile number provided to the association to fulfill the
1298 association's notice requirements. Notwithstanding the
1299 restrictions in this subparagraph, an association may print and
1300 distribute to unit ~~parcel~~ owners a directory containing the
1301 name, unit ~~parcel~~ address, and all telephone numbers of each
1302 unit ~~parcel~~ owner. However, an owner may exclude his or her
1303 telephone numbers from the directory by so requesting in writing
1304 to the association. An owner may consent in writing to the
1305 disclosure of other contact information described in this
1306 subparagraph. The association is not liable for the inadvertent
1307 disclosure of information that is protected under this
1308 subparagraph if the information is included in an official
1309 record of the association and is voluntarily provided by an
1310 owner and not requested by the association.

1311 6. Electronic security measures that are used by the
1312 association to safeguard data, including passwords.

1313 7. The software and operating system used by the
1314 association which allow the manipulation of data, even if the
1315 owner owns a copy of the same software used by the association.



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1316 The data is part of the official records of the association.

1317 Section 13. Paragraph (b) of subsection (1) of section
1318 719.106, Florida Statutes, is amended, and subsection (3) is
1319 added to that section, to read:

1320 719.106 Bylaws; cooperative ownership.—

1321 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1322 documents shall provide for the following, and if they do not,
1323 they shall be deemed to include the following:

1324 (b) *Quorum; voting requirements; proxies.*—

1325 1. Unless otherwise provided in the bylaws, the percentage
1326 of voting interests required to constitute a quorum at a meeting
1327 of the members shall be a majority of voting interests, and
1328 decisions shall be made by owners of a majority of the voting
1329 interests. Unless otherwise provided in this chapter, or in the
1330 articles of incorporation, bylaws, or other cooperative
1331 documents, and except as provided in subparagraph (d)1.,
1332 decisions shall be made by owners of a majority of the voting
1333 interests represented at a meeting at which a quorum is present.

1334 2. Except as specifically otherwise provided herein, after
1335 January 1, 1992, unit owners may not vote by general proxy, but
1336 may vote by limited proxies substantially conforming to a
1337 limited proxy form adopted by the division. Limited proxies and
1338 general proxies may be used to establish a quorum. Limited
1339 proxies shall be used for votes taken to waive or reduce
1340 reserves in accordance with subparagraph (j)2., for votes taken
1341 to waive the financial reporting requirements of s.

1342 719.104(4)(b), for votes taken to amend the articles of
1343 incorporation or bylaws pursuant to this section, and for any
1344 other matter for which this chapter requires or permits a vote



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1345 of the unit owners. Except as provided in paragraph (d), after
1346 January 1, 1992, no proxy, limited or general, shall be used in
1347 the election of board members. General proxies may be used for
1348 other matters for which limited proxies are not required, and
1349 may also be used in voting for nonsubstantive changes to items
1350 for which a limited proxy is required and given. Notwithstanding
1351 the provisions of this section, unit owners may vote in person
1352 at unit owner meetings. Nothing contained herein shall limit the
1353 use of general proxies or require the use of limited proxies or
1354 require the use of limited proxies for any agenda item or
1355 election at any meeting of a timeshare cooperative.

1356 3. Any proxy given shall be effective only for the specific
1357 meeting for which originally given and any lawfully adjourned
1358 meetings thereof. In no event shall any proxy be valid for a
1359 period longer than 90 days after the date of the first meeting
1360 for which it was given. Every proxy shall be revocable at any
1361 time at the pleasure of the unit owner executing it.

1362 4. A member of the board of administration or a committee
1363 may submit in writing his or her agreement or disagreement with
1364 any action taken at a meeting that the member did not attend.
1365 This agreement or disagreement may not be used as a vote for or
1366 against the action taken and may not be used for the purposes of
1367 creating a quorum.

1368 5. A board or committee member participating in a meeting
1369 via telephone, real-time video conferencing, or similar real-
1370 time electronic or video communication counts toward a quorum,
1371 and such member may vote as if physically present ~~When some or~~
1372 ~~all of the board or committee members meet by telephone~~
1373 ~~conference, those board or committee members attending by~~



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1374 ~~telephone conference may be counted toward obtaining a quorum~~
1375 ~~and may vote by telephone. A telephone speaker must shall be~~
1376 ~~used utilized so that the conversation of such those board or~~
1377 ~~committee members attending by telephone may be heard by the~~
1378 board or committee members attending in person, as well as by
1379 any unit owners present at a meeting.

1380 (3) GENERALLY.—The association may extinguish a
1381 discriminatory restriction, as defined in s. 712.065(1),
1382 pursuant to s. 712.065.

1383 Section 14. Paragraph (1) of subsection (4) of section
1384 720.303, Florida Statutes, is redesignated as paragraph (m), a
1385 new paragraph (l) is added to that subsection, and paragraph (c)
1386 of subsection (2), present paragraph (1) of subsection (4), and
1387 paragraphs (c) and (d) of subsection (6) of that section are
1388 amended, to read:

1389 720.303 Association powers and duties; meetings of board;
1390 official records; budgets; financial reporting; association
1391 funds; recalls.—

1392 (2) BOARD MEETINGS.—

1393 (c) The bylaws shall provide the following for giving
1394 notice to parcel owners and members of all board meetings and,
1395 if they do not do so, shall be deemed to include the following:

1396 1. Notices of all board meetings must be posted in a
1397 conspicuous place in the community at least 48 hours in advance
1398 of a meeting, except in an emergency. In the alternative, if
1399 notice is not posted in a conspicuous place in the community,
1400 notice of each board meeting must be mailed or delivered to each
1401 member at least 7 days before the meeting, except in an
1402 emergency. Notwithstanding this general notice requirement, for



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1403 communities with more than 100 members, the association bylaws
1404 may provide for a reasonable alternative to posting or mailing
1405 of notice for each board meeting, including publication of
1406 notice, provision of a schedule of board meetings, or the
1407 conspicuous posting and repeated broadcasting of the notice on a
1408 closed-circuit cable television system serving the homeowners'
1409 association. However, if broadcast notice is used in lieu of a
1410 notice posted physically in the community, the notice must be
1411 broadcast at least four times every broadcast hour of each day
1412 that a posted notice is otherwise required. When broadcast
1413 notice is provided, the notice and agenda must be broadcast in a
1414 manner and for a sufficient continuous length of time so as to
1415 allow an average reader to observe the notice and read and
1416 comprehend the entire content of the notice and the agenda. In
1417 addition to any of the authorized means of providing notice of a
1418 meeting of the board, the association may adopt, by rule, a
1419 procedure for conspicuously posting the meeting notice and the
1420 agenda on the association's website for at least the minimum
1421 period of time for which a notice of a meeting is also required
1422 to be physically posted on the association property. Any such
1423 rule must require the association to send to members whose e-
1424 mail addresses are included in the association's official
1425 records an electronic notice in the same manner as is required
1426 for a notice of a meeting of the members. Such notice must
1427 include a hyperlink to the website where the notice is posted.
1428 The association may provide notice by electronic transmission in
1429 a manner authorized by law for meetings of the board of
1430 directors, committee meetings requiring notice under this
1431 section, and annual and special meetings of the members to any



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1432 member who has provided a facsimile number or e-mail address to
1433 the association to be used for such purposes; however, a member
1434 must consent in writing to receiving notice by electronic
1435 transmission.

1436 2. An assessment may not be levied at a board meeting
1437 unless the notice of the meeting includes a statement that
1438 assessments will be considered and the nature of the
1439 assessments. Written notice of any meeting at which special
1440 assessments will be considered or at which amendments to rules
1441 regarding parcel use will be considered must be mailed,
1442 delivered, or electronically transmitted to the members and
1443 parcel owners and posted conspicuously on the property or
1444 broadcast on closed-circuit cable television not less than 14
1445 days before the meeting.

1446 3. Directors may not vote by proxy or by secret ballot at
1447 board meetings, except that secret ballots may be used in the
1448 election of officers. This subsection also applies to the
1449 meetings of any committee or other similar body, when a final
1450 decision will be made regarding the expenditure of association
1451 funds, and to any body vested with the power to approve or
1452 disapprove architectural decisions with respect to a specific
1453 parcel of residential property owned by a member of the
1454 community.

1455 (4) OFFICIAL RECORDS.—The association shall maintain each
1456 of the following items, when applicable, which constitute the
1457 official records of the association:

1458 (1) Ballots, sign-in sheets, voting proxies, and all other
1459 papers and electronic records relating to voting by parcel
1460 owners, which must be maintained for at least 1 year after the



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1461 date of the election, vote, or meeting.

1462 (m) ~~(1)~~ All other ~~written~~ records of the association not
1463 specifically included in this subsection ~~the foregoing~~ which are
1464 related to the operation of the association.

1465 (6) BUDGETS.—

1466 (c)1. If the budget of the association does not provide for
1467 reserve accounts pursuant to paragraph (d), or the declaration
1468 of covenants, articles, or bylaws do not obligate the developer
1469 to create reserves, and the association is responsible for the
1470 repair and maintenance of capital improvements that may result
1471 in a special assessment if reserves are not provided or not
1472 fully funded, then each financial report for the preceding
1473 fiscal year required by subsection (7) must contain the
1474 following statement in conspicuous type:

1475
1476 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR
1477 FULLY FUNDING RESERVE ACCOUNTS FOR CAPITAL
1478 EXPENDITURES AND DEFERRED MAINTENANCE THAT MAY RESULT
1479 IN SPECIAL ASSESSMENTS REGARDING THOSE ITEMS. OWNERS
1480 MAY ELECT TO PROVIDE FOR FULLY FUNDING RESERVE
1481 ACCOUNTS PURSUANT TO SECTION 720.303(6), FLORIDA
1482 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF
1483 THE TOTAL VOTING INTERESTS OF THE ASSOCIATION BY VOTE
1484 OF THE MEMBERS AT A MEETING OR BY WRITTEN CONSENT.

1485
1486 2. If the budget of the association does provide for
1487 funding accounts for deferred expenditures, including, but not
1488 limited to, funds for capital expenditures and deferred
1489 maintenance, but such accounts are not created or established



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1490 pursuant to paragraph (d), each financial report for the
1491 preceding fiscal year required under subsection (7) must also
1492 contain the following statement in conspicuous type:

1493
1494 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED
1495 VOLUNTARY DEFERRED EXPENDITURE ACCOUNTS, INCLUDING
1496 CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE, SUBJECT
1497 TO LIMITS ON FUNDING CONTAINED IN OUR GOVERNING
1498 DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED TO
1499 PROVIDE FOR RESERVE ACCOUNTS PURSUANT TO SECTION
1500 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT
1501 SUBJECT TO THE RESTRICTIONS ON USE OF SUCH FUNDS SET
1502 FORTH IN THAT STATUTE, NOR ARE RESERVES CALCULATED IN
1503 ACCORDANCE WITH THAT STATUTE.

1504 (d) An association is deemed to have provided for reserve
1505 ~~accounts if reserve accounts have been initially established by~~
1506 ~~the developer or if the membership of the association~~
1507 ~~affirmatively elects to provide for reserves. If reserve~~
1508 ~~accounts are established by the developer, the budget must~~
1509 ~~designate the components for which the reserve accounts may be~~
1510 ~~used. If reserve accounts are not initially provided by the~~
1511 ~~developer, the membership of the association may elect to do so~~
1512 upon the affirmative approval of a majority of the total voting
1513 interests of the association. Such approval may be obtained by
1514 vote of the members at a duly called meeting of the membership
1515 or by the written consent of a majority of the total voting
1516 interests of the association. The approval action of the
1517 membership must state that reserve accounts shall be provided
1518 for in the budget and must designate the components for which



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1519 the reserve accounts are to be established. Upon approval by the
1520 membership, the board of directors shall include the required
1521 reserve accounts in the budget in the next fiscal year following
1522 the approval and each year thereafter. Once established as
1523 provided in this subsection, the reserve accounts must be funded
1524 or maintained or have their funding waived in the manner
1525 provided in paragraph (f).

1526
1527 ===== T I T L E A M E N D M E N T =====

1528 And the title is amended as follows:

1529 Delete lines 3 - 62

1530 and insert:

1531 627.714, F.S.; prohibiting subrogation rights against
1532 a condominium association under certain circumstances;
1533 creating s. 712.065, F.S.; defining the term
1534 "discriminatory restriction"; providing that
1535 discriminatory restrictions are unlawful,
1536 unenforceable, and declared null and void; providing
1537 that certain discriminatory restrictions are
1538 extinguished and severed from recorded title
1539 transactions; specifying that the recording of certain
1540 notices does not reimpose or preserve a discriminatory
1541 restriction; providing requirements for a parcel owner
1542 to remove a discriminatory restriction from a covenant
1543 or restriction; amending s. 718.111, F.S.; requiring
1544 that certain records be maintained for a specified
1545 time; requiring associations to maintain official
1546 records in a specified manner; requiring an
1547 association to provide a checklist or affidavit



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1548 relating to certain records to certain persons;
1549 providing a timeframe for maintaining such checklist
1550 and affidavit; creating a rebuttable presumption;
1551 prohibiting an association from requiring certain
1552 actions relating to the inspection of records;
1553 revising requirements relating to the posting of
1554 digital copies of certain documents by certain
1555 condominium associations; conforming cross-references;
1556 amending s. 718.112, F.S.; authorizing condominium
1557 associations to extinguish discriminatory
1558 restrictions; specifying that only board service that
1559 occurs on or after a specified date may be used for
1560 calculating a board member's term limit; providing
1561 requirements for certain notices; revising the fees an
1562 association may charge for transfers; conforming
1563 provisions to changes made by the act; deleting a
1564 prohibition against employing or contracting with
1565 certain service providers; amending s. 718.113, F.S.;
1566 defining the terms "natural gas fuel" and "natural gas
1567 fuel vehicle"; revising legislative findings; revising
1568 requirements for electric vehicle charging stations;
1569 providing requirements for the installation of natural
1570 gas fuel stations on property governed by condominium
1571 associations; amending s. 718.1255, F.S.; authorizing
1572 parties to initiate presuit mediation under certain
1573 circumstances; specifying when arbitration is binding
1574 on the parties; providing requirements for presuit
1575 mediation; amending s. 718.202, F.S.; revising how
1576 developers may use certain withdrawn escrow funds;



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1577 amending s. 718.303, F.S.; revising requirements for
1578 certain actions for failure to comply with specified
1579 provisions; revising requirements for certain fines;
1580 amending s. 718.501, F.S.; defining the term
1581 "financial issue"; authorizing the Division of
1582 Condominiums, Timeshares, and Mobile Homes to adopt
1583 rules; amending s. 718.5014, F.S.; revising where the
1584 principal office of the Office of the Condominium
1585 Ombudsman must be maintained; amending s. 719.103,
1586 F.S.; revising the definition of the term "unit" to
1587 specify that an interest in a cooperative unit is an
1588 interest in real property; amending s. 719.104, F.S.;
1589 prohibiting an association from requiring certain
1590 actions relating to the inspection of records; making
1591 technical changes; amending s. 719.106, F.S.; revising
1592 provisions relating to a quorum and voting rights for
1593 members remotely participating in meetings;
1594 authorizing cooperative associations to extinguish
1595 discriminatory restrictions; amending s. 720.303,
1596 F.S.; authorizing an association to adopt procedures
1597 for electronic meeting notices; revising the documents
1598 that constitute the official records of an
1599 association; revising when a specified statement must
1600 be included in an association's financial report for
1601 the preceding fiscal year; revising requirements for
1602 such statement; revising when an association is deemed
1603 to have provided for reserve accounts;