

By the Committee on Innovation, Industry, and Technology; and
Senator Baxley

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1 A bill to be entitled
2 An act relating to community associations; amending s.
3 514.0115, F.S.; exempting certain property association
4 pools from Department of Health regulations; amending
5 s. 627.714, F.S.; prohibiting subrogation rights
6 against a condominium association under certain
7 circumstances; creating s. 712.065, F.S.; defining the
8 term "discriminatory restriction"; providing that
9 discriminatory restrictions are unlawful,
10 unenforceable, and declared null and void; providing
11 that certain discriminatory restrictions are
12 extinguished and severed from recorded title
13 transactions; specifying that the recording of certain
14 notices does not reimpose or preserve a discriminatory
15 restriction; providing requirements for a parcel owner
16 to remove a discriminatory restriction from a covenant
17 or restriction; amending s. 718.111, F.S.; requiring
18 that certain records be maintained for a specified
19 time; prohibiting an association from requiring
20 certain actions relating to the inspection of records;
21 revising requirements relating to the posting of
22 digital copies of certain documents by certain
23 condominium associations; amending s. 718.112, F.S.;
24 authorizing condominium associations to extinguish
25 discriminatory restrictions; specifying that only
26 board service that occurs on or after a specified date
27 may be used for calculating a board member's term
28 limit; providing requirements for certain notices;
29 prohibiting an association from charging certain fees;

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30 providing an exception; conforming provisions to
31 changes made by the act; deleting a prohibition
32 against employing or contracting with certain service
33 providers; amending s. 718.113, F.S.; defining the
34 terms "natural gas fuel" and "natural gas fuel
35 vehicle"; revising legislative findings; revising
36 requirements for electric vehicle charging stations;
37 providing requirements for the installation of natural
38 gas fuel stations on property governed by condominium
39 associations; amending s. 718.1255, F.S.; authorizing
40 parties to initiate presuit mediation under certain
41 circumstances; specifying when arbitration is binding
42 on the parties; providing requirements for presuit
43 mediation; amending s. 718.303, F.S.; revising
44 requirements for certain actions for failure to comply
45 with specified provisions; revising requirements for
46 certain fines; amending s. 718.5014, F.S.; revising
47 where the principal office of the Office of the
48 Condominium Ombudsman must be maintained; amending s.
49 719.103, F.S.; revising the definition of the term
50 "unit" to specify that an interest in a cooperative
51 unit is an interest in real property; amending s.
52 719.104, F.S.; prohibiting an association from
53 requiring certain actions relating to the inspection
54 of records; making technical changes; amending s.
55 719.106, F.S.; revising provisions relating to a
56 quorum and voting rights for members remotely
57 participating in meetings; authorizing cooperative
58 associations to extinguish discriminatory

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59 restrictions; amending s. 720.303, F.S.; authorizing
60 an association to adopt procedures for electronic
61 meeting notices; revising the documents that
62 constitute the official records of an association;
63 amending s. 720.305, F.S.; providing requirements for
64 certain fines; amending s. 720.306, F.S.; revising
65 requirements for providing certain notices; amending
66 s. 720.3075, F.S.; authorizing homeowners'
67 associations to extinguish discriminatory
68 restrictions; providing an effective date.

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

71
72 Section 1. Paragraph (a) of subsection (2) of section
73 514.0115, Florida Statutes, is amended to read:

74 514.0115 Exemptions from supervision or regulation;
75 variances.—

76 (2) (a) Pools serving condominium, cooperative, and
77 homeowners' associations, as well as other property
78 associations, which have no more than 32 ~~condominium or~~
79 ~~cooperative~~ units or parcels and which are not operated as a
80 public lodging establishments are ~~establishment shall be~~ exempt
81 from supervision under this chapter, except for water quality.

82 Section 2. Subsection (4) of section 627.714, Florida
83 Statutes, is amended to read:

84 627.714 Residential condominium unit owner coverage; loss
85 assessment coverage required.—

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

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88 afforded by such policy is excess coverage over the amount
89 recoverable under any other policy covering the same property.
90 If a condominium association's insurance policy does not provide
91 rights for subrogation against the unit owners in the
92 association, an insurance policy issued to an individual unit
93 owner located in the association may not provide rights of
94 subrogation against the condominium association.

95 Section 3. Section 712.065, Florida Statutes, is created to
96 read:

97 712.065 Extinguishment of discriminatory restrictions.—

98 (1) As used in this section, the term "discriminatory
99 restriction" means a provision in a title transaction recorded
100 in this state which restricts the ownership, occupancy, or use
101 of any real property in this state by any natural person on the
102 basis of a characteristic that has been held, or is held after
103 July 1, 2020, by the United States Supreme Court or the Florida
104 Supreme Court to be protected against discrimination under the
105 Fourteenth Amendment to the United States Constitution or under
106 s. 2, Art. I of the State Constitution, including race, color,
107 national origin, religion, gender, or physical disability.

108 (2) A discriminatory restriction is not enforceable in this
109 state, and all discriminatory restrictions contained in any
110 title transaction recorded in this state are unlawful, are
111 unenforceable, and are declared null and void. Any
112 discriminatory restriction contained in a previously recorded
113 title transaction is extinguished and severed from the recorded
114 title transaction and the remainder of the title transaction
115 remains enforceable and effective. The recording of any notice
116 preserving or protecting interests or rights pursuant to s.

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117 712.05 does not reimpose or preserve any discriminatory
118 restriction that is extinguished under this section.

119 (3) Upon request of a parcel owner, a discriminatory
120 restriction appearing in a covenant or restriction affecting the
121 parcel may be removed from the covenant or restriction by an
122 amendment approved by a majority vote of the board of directors
123 of the respective property owners' association or an owners'
124 association in which all owners may voluntarily join,
125 notwithstanding any other requirements for approval of an
126 amendment of the covenant or restriction. Unless the amendment
127 also changes other provisions of the covenant or restriction,
128 the recording of an amendment removing a discriminatory
129 restriction does not constitute a title transaction occurring
130 after the root of title for purposes of s. 712.03(4).

131 Section 4. Paragraphs (a), (b), (c), and (g) of subsection
132 (12) of section 718.111, Florida Statutes, are amended to read:
133 718.111 The association.—

134 (12) OFFICIAL RECORDS.—

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

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

140 2. A photocopy of the recorded declaration of condominium
141 of each condominium operated by the association and each
142 amendment to each declaration.

143 3. A photocopy of the recorded bylaws of the association
144 and each amendment to the bylaws.

145 4. A certified copy of the articles of incorporation of the

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146 association, or other documents creating the association, and
147 each amendment thereto.

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

149 6. A book or books that contain the minutes of all meetings
150 of the association, the board of administration, and the unit
151 owners.

152 7. A current roster of all unit owners and their mailing
153 addresses, unit identifications, voting certifications, and, if
154 known, telephone numbers. The association shall also maintain
155 the e-mail addresses and facsimile numbers of unit owners
156 consenting to receive notice by electronic transmission. The e-
157 mail addresses and facsimile numbers are not accessible to unit
158 owners if consent to receive notice by electronic transmission
159 is not provided in accordance with sub-subparagraph (c)3.e.
160 However, the association is not liable for an inadvertent
161 disclosure of the e-mail address or facsimile number for
162 receiving electronic transmission of notices.

163 8. All current insurance policies of the association and
164 condominiums operated by the association.

165 9. A current copy of any management agreement, lease, or
166 other contract to which the association is a party or under
167 which the association or the unit owners have an obligation or
168 responsibility.

169 10. Bills of sale or transfer for all property owned by the
170 association.

171 11. Accounting records for the association and separate
172 accounting records for each condominium that the association
173 operates. Any person who knowingly or intentionally defaces or
174 destroys such records, or who knowingly or intentionally fails

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175 to create or maintain such records, with the intent of causing
176 harm to the association or one or more of its members, is
177 personally subject to a civil penalty pursuant to s.

178 718.501(1)(d). The accounting records must include, but are not
179 limited to:

180 a. Accurate, itemized, and detailed records of all receipts
181 and expenditures.

182 b. A current account and a monthly, bimonthly, or quarterly
183 statement of the account for each unit designating the name of
184 the unit owner, the due date and amount of each assessment, the
185 amount paid on the account, and the balance due.

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

188 d. All contracts for work to be performed. Bids for work to
189 be performed are also considered official records and must be
190 maintained by the association for at least 1 year after receipt
191 of the bid.

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

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

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

201 ~~15. All other written records of the association not~~
202 ~~specifically included in the foregoing which are related to the~~
203 ~~operation of the association.~~

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204 ~~16.~~ A copy of the inspection report as described in s.
205 718.301(4) (p).

206 ~~16.~~~~17.~~ Bids for materials, equipment, or services.

207 17. All other written records of the association not
208 specifically included in subparagraphs 1.-16. which are related
209 to the operation of the association.

210 (b) The official records specified in subparagraphs (a)1.-
211 6. must be permanently maintained from the inception of the
212 association. Bids for work to be performed or for materials,
213 equipment, or services must be maintained for at least 1 year
214 after receipt of the bid. All other official records must be
215 maintained within the state for at least 7 years, unless
216 otherwise provided by general law. The records of the
217 association shall be made available to a unit owner within 45
218 miles of the condominium property or within the county in which
219 the condominium property is located within 10 working days after
220 receipt of a written request by the board or its designee.
221 However, such distance requirement does not apply to an
222 association governing a timeshare condominium. This paragraph
223 may be complied with by having a copy of the official records of
224 the association available for inspection or copying on the
225 condominium property or association property, or the association
226 may offer the option of making the records available to a unit
227 owner electronically via the Internet or by allowing the records
228 to be viewed in electronic format on a computer screen and
229 printed upon request. The association is not responsible for the
230 use or misuse of the information provided to an association
231 member or his or her authorized representative in pursuant to
232 the compliance with requirements of this chapter unless the

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233 association has an affirmative duty not to disclose such
234 information under ~~pursuant to~~ this chapter.

235 (c)1. The official records of the association are open to
236 inspection by any association member or the authorized
237 representative of such member at all reasonable times. The right
238 to inspect the records includes the right to make or obtain
239 copies, at the reasonable expense, if any, of the member or
240 authorized representative of such member. A renter of a unit has
241 a right to inspect and copy the association's bylaws and rules.
242 The association may adopt reasonable rules regarding the
243 frequency, time, location, notice, and manner of record
244 inspections and copying, but may not require a member to
245 demonstrate any purpose or state any reason for the inspection.
246 The failure of an association to provide the records within 10
247 working days after receipt of a written request creates a
248 rebuttable presumption that the association willfully failed to
249 comply with this paragraph. A unit owner who is denied access to
250 official records is entitled to the actual damages or minimum
251 damages for the association's willful failure to comply. Minimum
252 damages are \$50 per calendar day for up to 10 days, beginning on
253 the 11th working day after receipt of the written request. The
254 failure to permit inspection entitles any person prevailing in
255 an enforcement action to recover reasonable attorney fees from
256 the person in control of the records who, directly or
257 indirectly, knowingly denied access to the records.

258 2. Any person who knowingly or intentionally defaces or
259 destroys accounting records that are required by this chapter to
260 be maintained during the period for which such records are
261 required to be maintained, or who knowingly or intentionally

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262 fails to create or maintain accounting records that are required
263 to be created or maintained, with the intent of causing harm to
264 the association or one or more of its members, is personally
265 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

266 3. The association shall maintain an adequate number of
267 copies of the declaration, articles of incorporation, bylaws,
268 and rules, and all amendments to each of the foregoing, as well
269 as the question and answer sheet as described in s. 718.504 and
270 year-end financial information required under this section, on
271 the condominium property to ensure their availability to unit
272 owners and prospective purchasers, and may charge its actual
273 costs for preparing and furnishing these documents to those
274 requesting the documents. An association shall allow a member or
275 his or her authorized representative to use a portable device,
276 including a smartphone, tablet, portable scanner, or any other
277 technology capable of scanning or taking photographs, to make an
278 electronic copy of the official records in lieu of the
279 association's providing the member or his or her authorized
280 representative with a copy of such records. The association may
281 not charge a member or his or her authorized representative for
282 the use of a portable device. Notwithstanding this paragraph,
283 the following records are not accessible to unit owners:

284 a. Any record protected by the lawyer-client privilege as
285 described in s. 90.502 and any record protected by the work-
286 product privilege, including a record prepared by an association
287 attorney or prepared at the attorney's express direction, which
288 reflects a mental impression, conclusion, litigation strategy,
289 or legal theory of the attorney or the association, and which
290 was prepared exclusively for civil or criminal litigation or for

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291 adversarial administrative proceedings, or which was prepared in
292 anticipation of such litigation or proceedings until the
293 conclusion of the litigation or proceedings.

294 b. Information obtained by an association in connection
295 with the approval of the lease, sale, or other transfer of a
296 unit.

297 c. Personnel records of association or management company
298 employees, including, but not limited to, disciplinary, payroll,
299 health, and insurance records. For purposes of this sub-
300 subparagraph, the term "personnel records" does not include
301 written employment agreements with an association employee or
302 management company, or budgetary or financial records that
303 indicate the compensation paid to an association employee.

304 d. Medical records of unit owners.

305 e. Social security numbers, driver license numbers, credit
306 card numbers, e-mail addresses, telephone numbers, facsimile
307 numbers, emergency contact information, addresses of a unit
308 owner other than as provided to fulfill the association's notice
309 requirements, and other personal identifying information of any
310 person, excluding the person's name, unit designation, mailing
311 address, property address, and any address, e-mail address, or
312 facsimile number provided to the association to fulfill the
313 association's notice requirements. Notwithstanding the
314 restrictions in this sub-subparagraph, an association may print
315 and distribute to unit ~~parcel~~ owners a directory containing the
316 name, unit ~~parcel~~ address, and all telephone numbers of each
317 unit ~~parcel~~ owner. However, an owner may exclude his or her
318 telephone numbers from the directory by so requesting in writing
319 to the association. An owner may consent in writing to the

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320 disclosure of other contact information described in this sub-
321 subparagraph. The association is not liable for the inadvertent
322 disclosure of information that is protected under this sub-
323 subparagraph if the information is included in an official
324 record of the association and is voluntarily provided by an
325 owner and not requested by the association.

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

328 g. The software and operating system used by the
329 association which allow the manipulation of data, even if the
330 owner owns a copy of the same software used by the association.
331 The data is part of the official records of the association.

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

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

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

341 (II) A website, application, or web portal operated by a
342 third-party provider with whom the association owns, leases,
343 rents, or otherwise obtains the right to operate a web page,
344 subpage, web portal, ~~or~~ collection of subpages or web portals,
345 or application which is dedicated to the association's
346 activities and on which required notices, records, and documents
347 may be posted or made available by the association.

348 b. The association's website or application must be

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349 accessible through the Internet and must contain a subpage, web
350 portal, or other protected electronic location that is
351 inaccessible to the general public and accessible only to unit
352 owners and employees of the association.

353 c. Upon a unit owner's written request, the association
354 must provide the unit owner with a username and password and
355 access to the protected sections of the association's website or
356 application that contain any notices, records, or documents that
357 must be electronically provided.

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

360 a. The recorded declaration of condominium of each
361 condominium operated by the association and each amendment to
362 each declaration.

363 b. The recorded bylaws of the association and each
364 amendment to the bylaws.

365 c. The articles of incorporation of the association, or
366 other documents creating the association, and each amendment to
367 the articles of incorporation or other documents thereto. The
368 copy posted pursuant to this sub-subparagraph must be a copy of
369 the articles of incorporation filed with the Department of
370 State.

371 d. The rules of the association.

372 e. A list of all executory contracts or documents to which
373 the association is a party or under which the association or the
374 unit owners have an obligation or responsibility and, after
375 bidding for the related materials, equipment, or services has
376 closed, a list of bids received by the association within the
377 past year. Summaries of bids for materials, equipment, or

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378 services which exceed \$500 must be maintained on the website or
379 application for 1 year. In lieu of summaries, complete copies of
380 the bids may be posted.

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

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

386 h. The certification of each director required by s.
387 718.112(2)(d)4.b.

388 i. All contracts or transactions between the association
389 and any director, officer, corporation, firm, or association
390 that is not an affiliated condominium association or any other
391 entity in which an association director is also a director or
392 officer and financially interested.

393 j. Any contract or document regarding a conflict of
394 interest or possible conflict of interest as provided in ss.
395 468.436(2)(b)6. and 718.3027(3).

396 k. The notice of any unit owner meeting and the agenda for
397 the meeting, as required by s. 718.112(2)(d)3., no later than 14
398 days before the meeting. The notice must be posted in plain view
399 on the front page of the website or application, or on a
400 separate subpage of the website or application labeled "Notices"
401 which is conspicuously visible and linked from the front page.
402 The association must also post on its website or application any
403 document to be considered and voted on by the owners during the
404 meeting or any document listed on the agenda at least 7 days
405 before the meeting at which the document or the information
406 within the document will be considered.

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407 1. Notice of any board meeting, the agenda, and any other
408 document required for the meeting as required by s.
409 718.112(2)(c), which must be posted no later than the date
410 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

411 3. The association shall ensure that the information and
412 records described in paragraph (c), which are not allowed to be
413 accessible to unit owners, are not posted on the association's
414 website or application. If protected information or information
415 restricted from being accessible to unit owners is included in
416 documents that are required to be posted on the association's
417 website or application, the association shall ensure the
418 information is redacted before posting the documents ~~online~~.
419 Notwithstanding the foregoing, the association or its agent is
420 not liable for disclosing information that is protected or
421 restricted under ~~pursuant to~~ this paragraph unless such
422 disclosure was made with a knowing or intentional disregard of
423 the protected or restricted nature of such information.

424 4. The failure of the association to post information
425 required under subparagraph 2. is not in and of itself
426 sufficient to invalidate any action or decision of the
427 association's board or its committees.

428 Section 5. Paragraphs (d), (i), (k), and (p) of subsection
429 (2) of section 718.112, Florida Statutes, are amended, and
430 paragraph (c) is added to subsection (1) of that section, to
431 read:

432 718.112 Bylaws.—

433 (1) GENERALLY.—

434 (c) The association may extinguish a discriminatory
435 restriction, as defined in s. 712.065(1), pursuant to s.

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436 712.065.

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

440 (d) *Unit owner meetings.*—

441 1. An annual meeting of the unit owners must be held at the
442 location provided in the association bylaws and, if the bylaws
443 are silent as to the location, the meeting must be held within
444 45 miles of the condominium property. However, such distance
445 requirement does not apply to an association governing a
446 timeshare condominium.

447 2. Unless the bylaws provide otherwise, a vacancy on the
448 board caused by the expiration of a director's term must be
449 filled by electing a new board member, and the election must be
450 by secret ballot. An election is not required if the number of
451 vacancies equals or exceeds the number of candidates. For
452 purposes of this paragraph, the term "candidate" means an
453 eligible person who has timely submitted the written notice, as
454 described in sub-subparagraph 4.a., of his or her intention to
455 become a candidate. Except in a timeshare or nonresidential
456 condominium, or if the staggered term of a board member does not
457 expire until a later annual meeting, or if all members' terms
458 would otherwise expire but there are no candidates, the terms of
459 all board members expire at the annual meeting, and such members
460 may stand for reelection unless prohibited by the bylaws. Board
461 members may serve terms longer than 1 year if permitted by the
462 bylaws or articles of incorporation. A board member may not
463 serve more than 8 consecutive years unless approved by an
464 affirmative vote of unit owners representing two-thirds of all

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465 votes cast in the election or unless there are not enough
466 eligible candidates to fill the vacancies on the board at the
467 time of the vacancy. Only board service that occurs on or after
468 July 1, 2018, may be used when calculating a board member's term
469 limit. If the number of board members whose terms expire at the
470 annual meeting equals or exceeds the number of candidates, the
471 candidates become members of the board effective upon the
472 adjournment of the annual meeting. Unless the bylaws provide
473 otherwise, any remaining vacancies shall be filled by the
474 affirmative vote of the majority of the directors making up the
475 newly constituted board even if the directors constitute less
476 than a quorum or there is only one director. In a residential
477 condominium association of more than 10 units or in a
478 residential condominium association that does not include
479 timeshare units or timeshare interests, co-owners of a unit may
480 not serve as members of the board of directors at the same time
481 unless they own more than one unit or unless there are not
482 enough eligible candidates to fill the vacancies on the board at
483 the time of the vacancy. A unit owner in a residential
484 condominium desiring to be a candidate for board membership must
485 comply with sub-subparagraph 4.a. and must be eligible to be a
486 candidate to serve on the board of directors at the time of the
487 deadline for submitting a notice of intent to run in order to
488 have his or her name listed as a proper candidate on the ballot
489 or to serve on the board. A person who has been suspended or
490 removed by the division under this chapter, or who is delinquent
491 in the payment of any monetary obligation due to the
492 association, is not eligible to be a candidate for board
493 membership and may not be listed on the ballot. A person who has

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494 been convicted of any felony in this state or in a United States
495 District or Territorial Court, or who has been convicted of any
496 offense in another jurisdiction which would be considered a
497 felony if committed in this state, is not eligible for board
498 membership unless such felon's civil rights have been restored
499 for at least 5 years as of the date such person seeks election
500 to the board. The validity of an action by the board is not
501 affected if it is later determined that a board member is
502 ineligible for board membership due to having been convicted of
503 a felony. This subparagraph does not limit the term of a member
504 of the board of a nonresidential or timeshare condominium.

505 3. The bylaws must provide the method of calling meetings
506 of unit owners, including annual meetings. Written notice of an
507 annual meeting must include an agenda; ~~it must~~ be mailed, hand
508 delivered, or electronically transmitted to each unit owner at
509 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
510 a conspicuous place on the condominium property at least 14
511 continuous days before the annual meeting. Written notice of a
512 meeting other than an annual meeting must include an agenda; be
513 mailed, hand delivered, or electronically transmitted to each
514 unit owner; and be posted in a conspicuous place on the
515 condominium property in accordance with the minimum period of
516 time for posting a notice as set forth in the bylaws, or if the
517 bylaws do not provide such notice requirements, at least 14
518 continuous days before the meeting. Upon notice to the unit
519 owners, the board shall, by duly adopted rule, designate a
520 specific location on the condominium property where all notices
521 of unit owner meetings must be posted. This requirement does not
522 apply if there is no condominium property for posting notices.

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523 In lieu of, or in addition to, the physical posting of meeting
524 notices, the association may, by reasonable rule, adopt a
525 procedure for conspicuously posting and repeatedly broadcasting
526 the notice and the agenda on a closed-circuit cable television
527 system serving the condominium association. However, if
528 broadcast notice is used in lieu of a notice posted physically
529 on the condominium property, the notice and agenda must be
530 broadcast at least four times every broadcast hour of each day
531 that a posted notice is otherwise required under this section.
532 If broadcast notice is provided, the notice and agenda must be
533 broadcast in a manner and for a sufficient continuous length of
534 time so as to allow an average reader to observe the notice and
535 read and comprehend the entire content of the notice and the
536 agenda. In addition to any of the authorized means of providing
537 notice of a meeting of the board, the association may, by rule,
538 adopt a procedure for conspicuously posting the meeting notice
539 and the agenda on a website serving the condominium association
540 for at least the minimum period of time for which a notice of a
541 meeting is also required to be physically posted on the
542 condominium property. Any rule adopted shall, in addition to
543 other matters, include a requirement that the association send
544 an electronic notice in the same manner as a notice for a
545 meeting of the members, which must include a hyperlink to the
546 website where the notice is posted, to unit owners whose e-mail
547 addresses are included in the association's official records.
548 Unless a unit owner waives in writing the right to receive
549 notice of the annual meeting, such notice must be hand
550 delivered, mailed, or electronically transmitted to each unit
551 owner. Notice for meetings and notice for all other purposes

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552 must be mailed to each unit owner at the address last furnished
553 to the association by the unit owner, or hand delivered to each
554 unit owner. However, if a unit is owned by more than one person,
555 the association must provide notice to the address that the
556 developer identifies for that purpose and thereafter as one or
557 more of the owners of the unit advise the association in
558 writing, or if no address is given or the owners of the unit do
559 not agree, to the address provided on the deed of record. An
560 officer of the association, or the manager or other person
561 providing notice of the association meeting, must provide an
562 affidavit or United States Postal Service certificate of
563 mailing, to be included in the official records of the
564 association affirming that the notice was mailed or hand
565 delivered in accordance with this provision.

566 4. The members of the board of a residential condominium
567 shall be elected by written ballot or voting machine. Proxies
568 may not be used in electing the board in general elections or
569 elections to fill vacancies caused by recall, resignation, or
570 otherwise, unless otherwise provided in this chapter. This
571 subparagraph does not apply to an association governing a
572 timeshare condominium.

573 a. At least 60 days before a scheduled election, the
574 association shall mail, deliver, or electronically transmit, by
575 separate association mailing or included in another association
576 mailing, delivery, or transmission, including regularly
577 published newsletters, to each unit owner entitled to a vote, a
578 first notice of the date of the election. A unit owner or other
579 eligible person desiring to be a candidate for the board must
580 give written notice of his or her intent to be a candidate to

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581 the association at least 40 days before a scheduled election.
582 Together with the written notice and agenda as set forth in
583 subparagraph 3., the association shall mail, deliver, or
584 electronically transmit a second notice of the election to all
585 unit owners entitled to vote, together with a ballot that lists
586 all candidates, not less than 14 days or more than 34 days
587 before the date of the election. Upon request of a candidate, an
588 information sheet, no larger than 8 1/2 inches by 11 inches,
589 which must be furnished by the candidate at least 35 days before
590 the election, must be included with the mailing, delivery, or
591 transmission of the ballot, with the costs of mailing, delivery,
592 or electronic transmission and copying to be borne by the
593 association. The association is not liable for the contents of
594 the information sheets prepared by the candidates. In order to
595 reduce costs, the association may print or duplicate the
596 information sheets on both sides of the paper. The division
597 shall by rule establish voting procedures consistent with this
598 sub-subparagraph, including rules establishing procedures for
599 giving notice by electronic transmission and rules providing for
600 the secrecy of ballots. Elections shall be decided by a
601 plurality of ballots cast. There is no quorum requirement;
602 however, at least 20 percent of the eligible voters must cast a
603 ballot in order to have a valid election. A unit owner may not
604 authorize any other person to vote his or her ballot, and any
605 ballots improperly cast are invalid. A unit owner who violates
606 this provision may be fined by the association in accordance
607 with s. 718.303. A unit owner who needs assistance in casting
608 the ballot for the reasons stated in s. 101.051 may obtain such
609 assistance. The regular election must occur on the date of the

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610 annual meeting. Notwithstanding this sub-subparagraph, an
611 election is not required unless more candidates file notices of
612 intent to run or are nominated than board vacancies exist.

613 b. Within 90 days after being elected or appointed to the
614 board of an association of a residential condominium, each newly
615 elected or appointed director shall certify in writing to the
616 secretary of the association that he or she has read the
617 association's declaration of condominium, articles of
618 incorporation, bylaws, and current written policies; that he or
619 she will work to uphold such documents and policies to the best
620 of his or her ability; and that he or she will faithfully
621 discharge his or her fiduciary responsibility to the
622 association's members. In lieu of this written certification,
623 within 90 days after being elected or appointed to the board,
624 the newly elected or appointed director may submit a certificate
625 of having satisfactorily completed the educational curriculum
626 administered by a division-approved condominium education
627 provider within 1 year before or 90 days after the date of
628 election or appointment. The written certification or
629 educational certificate is valid and does not have to be
630 resubmitted as long as the director serves on the board without
631 interruption. A director of an association of a residential
632 condominium who fails to timely file the written certification
633 or educational certificate is suspended from service on the
634 board until he or she complies with this sub-subparagraph. The
635 board may temporarily fill the vacancy during the period of
636 suspension. The secretary shall cause the association to retain
637 a director's written certification or educational certificate
638 for inspection by the members for 5 years after a director's

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639 election or the duration of the director's uninterrupted tenure,
640 whichever is longer. Failure to have such written certification
641 or educational certificate on file does not affect the validity
642 of any board action.

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

645 5. Any approval by unit owners called for by this chapter
646 or the applicable declaration or bylaws, including, but not
647 limited to, the approval requirement in s. 718.111(8), must be
648 made at a duly noticed meeting of unit owners and is subject to
649 all requirements of this chapter or the applicable condominium
650 documents relating to unit owner decisionmaking, except that
651 unit owners may take action by written agreement, without
652 meetings, on matters for which action by written agreement
653 without meetings is expressly allowed by the applicable bylaws
654 or declaration or any law that provides for such action.

655 6. Unit owners may waive notice of specific meetings if
656 allowed by the applicable bylaws or declaration or any law.
657 Notice of meetings of the board of administration, unit owner
658 meetings, except unit owner meetings called to recall board
659 members under paragraph (j), and committee meetings may be given
660 by electronic transmission to unit owners who consent to receive
661 notice by electronic transmission. A unit owner who consents to
662 receiving notices by electronic transmission is solely
663 responsible for removing or bypassing filters that block receipt
664 of mass e-mails ~~emails~~ sent to members on behalf of the
665 association in the course of giving electronic notices.

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

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

670 8. A unit owner may tape record or videotape a meeting of
671 the unit owners subject to reasonable rules adopted by the
672 division.

673 9. Unless otherwise provided in the bylaws, any vacancy
674 occurring on the board before the expiration of a term may be
675 filled by the affirmative vote of the majority of the remaining
676 directors, even if the remaining directors constitute less than
677 a quorum, or by the sole remaining director. In the alternative,
678 a board may hold an election to fill the vacancy, in which case
679 the election procedures must conform to sub-subparagraph 4.a.
680 unless the association governs 10 units or fewer and has opted
681 out of the statutory election process, in which case the bylaws
682 of the association control. Unless otherwise provided in the
683 bylaws, a board member appointed or elected under this section
684 shall fill the vacancy for the unexpired term of the seat being
685 filled. Filling vacancies created by recall is governed by
686 paragraph (j) and rules adopted by the division.

687 10. This chapter does not limit the use of general or
688 limited proxies, require the use of general or limited proxies,
689 or require the use of a written ballot or voting machine for any
690 agenda item or election at any meeting of a timeshare
691 condominium association or nonresidential condominium
692 association.

693
694 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
695 association of 10 or fewer units may, by affirmative vote of a
696 majority of the total voting interests, provide for different

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697 voting and election procedures in its bylaws, which may be by a
698 proxy specifically delineating the different voting and election
699 procedures. The different voting and election procedures may
700 provide for elections to be conducted by limited or general
701 proxy.

702 (i) *Transfer fees.*—An association may not ~~no~~ charge an
703 applicant any fees, except the actual costs of any background
704 check or screening performed ~~shall be made~~ by the association,
705 ~~or any body thereof~~ in connection with the sale, mortgage,
706 lease, sublease, or other transfer of a unit unless the
707 association is required to approve such transfer and a fee for
708 such approval is provided for in the declaration, articles, or
709 bylaws. Except for the actual costs of any background check or
710 screening performed by the association, any such fee may be
711 preset, but may not ~~in no event may such fee~~ exceed \$100 per
712 applicant other than spouses or parent and dependent child, who
713 ~~husband/wife or parent/dependent child, which~~ are considered one
714 applicant. However, if the lease or sublease is a renewal of a
715 lease or sublease with the same lessee or sublessee, a charge
716 may not ~~no charge shall~~ be made. The foregoing notwithstanding,
717 an association may, if the authority to do so appears in the
718 declaration, articles, or bylaws, require that a prospective
719 lessee place a security deposit, in an amount not to exceed the
720 equivalent of 1 month's rent, into an escrow account maintained
721 by the association. The security deposit shall protect against
722 damages to the common elements or association property. Payment
723 of interest, claims against the deposit, refunds, and disputes
724 under this paragraph shall be handled in the same fashion as
725 provided in part II of chapter 83.

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726 (k) Alternative Dispute Resolution Arbitration.— There must
727 ~~shall~~ be a provision for mandatory alternative dispute
728 resolution nonbinding arbitration as provided for in s. 718.1255
729 for any residential condominium.

730 ~~(p) Service providers; conflicts of interest. An~~
731 ~~association, which is not a timeshare condominium association,~~
732 ~~may not employ or contract with any service provider that is~~
733 ~~owned or operated by a board member or with any person who has a~~
734 ~~financial relationship with a board member or officer, or a~~
735 ~~relative within the third degree of consanguinity by blood or~~
736 ~~marriage of a board member or officer. This paragraph does not~~
737 ~~apply to a service provider in which a board member or officer,~~
738 ~~or a relative within the third degree of consanguinity by blood~~
739 ~~or marriage of a board member or officer, owns less than 1~~
740 ~~percent of the equity shares.~~

741 Section 6. Subsection (8) of section 718.113, Florida
742 Statutes, is amended to read:

743 718.113 Maintenance; limitation upon improvement; display
744 of flag; hurricane shutters and protection; display of religious
745 decorations.—

746 (8) The Legislature finds that the use of electric and
747 natural gas fuel vehicles conserves and protects the state's
748 environmental resources, provides significant economic savings
749 to drivers, and serves an important public interest. The
750 participation of condominium associations is essential to the
751 state's efforts to conserve and protect the state's
752 environmental resources and provide economic savings to drivers.
753 For purposes of this subsection, the term "natural gas fuel" has
754 the same meaning as in s. 206.9951, and the term "natural gas

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755 fuel vehicle” means any motor vehicle, as defined in s.
756 320.01(1), powered by natural gas fuel. Therefore, the
757 installation of an electric vehicle charging or natural gas fuel
758 station shall be governed as follows:

759 (a) A declaration of condominium or restrictive covenant
760 may not prohibit or be enforced so as to prohibit any unit owner
761 from installing an electric vehicle charging or natural gas fuel
762 station within the boundaries of the unit owner’s limited common
763 element or exclusively designated parking area. The board of
764 administration of a condominium association may not prohibit a
765 unit owner from installing an electric vehicle charging station
766 for an electric vehicle, as defined in s. 320.01, or a natural
767 gas fuel station for a natural gas fuel vehicle within the
768 boundaries of his or her limited common element or exclusively
769 designated parking area. The installation of such charging or
770 fuel stations are subject to the provisions of this subsection.

771 (b) The installation may not cause irreparable damage to
772 the condominium property.

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

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

780 (e) ~~(d)~~ The unit owner who is installing an electric vehicle
781 charging or natural gas fuel station is responsible for the
782 costs of installation, operation, maintenance, and repair,
783 including, but not limited to, hazard and liability insurance.

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784 The association may enforce payment of such costs under ~~pursuant~~
785 ~~to~~ s. 718.116.

786 (f)~~(e)~~ If the unit owner or his or her successor decides
787 there is no longer a need for the electronic vehicle charging or
788 natural gas fuel station, such person is responsible for the
789 cost of removal of such ~~the electronic vehicle~~ charging or fuel
790 station. The association may enforce payment of such costs under
791 ~~pursuant to~~ s. 718.116.

792 (g) The unit owner installing, maintaining, or removing the
793 electric vehicle charging or natural gas fuel station is
794 responsible for complying with all federal, state, or local laws
795 and regulations applicable to such installation, maintenance, or
796 removal.

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

798 1. Comply with bona fide safety requirements, consistent
799 with applicable building codes or recognized safety standards,
800 for the protection of persons and property.

801 2. Comply with reasonable architectural standards adopted
802 by the association that govern the dimensions, placement, or
803 external appearance of the electric vehicle charging or natural
804 gas fuel station, provided that such standards may not prohibit
805 the installation of such charging or fuel station or
806 substantially increase the cost thereof.

807 3. Engage the services of a licensed and registered firm
808 ~~electrical contractor or engineer~~ familiar with the installation
809 or removal and core requirements of an electric vehicle charging
810 or natural gas fuel station.

811 4. Provide a certificate of insurance naming the
812 association as an additional insured on the owner's insurance

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813 policy for any claim related to the installation, maintenance,
814 or use of the electric vehicle charging or natural gas fuel
815 station within 14 days after receiving the association's
816 approval to install such charging or fuel station or notice to
817 provide such a certificate.

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

822 (i)-(g) The association provides an implied easement across
823 the common elements of the condominium property to the unit
824 owner for purposes of ~~the installation of the~~ electric vehicle
825 charging or natural gas fuel station installation, and the
826 furnishing of electrical power or natural gas fuel supply,
827 including any necessary equipment, to such charging or fuel
828 station, subject to the requirements of this subsection.

829 Section 7. Section 718.1255, Florida Statutes, is amended
830 to read:

831 718.1255 Alternative dispute resolution; ~~voluntary~~
832 mediation; ~~mandatory~~ nonbinding arbitration; legislative
833 findings.—

834 (1) DEFINITIONS.—As used in this section, the term
835 "dispute" means any disagreement between two or more parties
836 that involves:

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

839 1. Require any owner to take any action, or not to take any
840 action, involving that owner's unit or the appurtenances
841 thereto.

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- 842 2. Alter or add to a common area or element.
- 843 (b) The failure of a governing body, when required by this
- 844 chapter or an association document, to:
- 845 1. Properly conduct elections.
- 846 2. Give adequate notice of meetings or other actions.
- 847 3. Properly conduct meetings.
- 848 4. Allow inspection of books and records.
- 849 (c) A plan of termination pursuant to s. 718.117.
- 850
- 851 "Dispute" does not include any disagreement that primarily
- 852 involves: title to any unit or common element; the
- 853 interpretation or enforcement of any warranty; the levy of a fee
- 854 or assessment, or the collection of an assessment levied against
- 855 a party; the eviction or other removal of a tenant from a unit;
- 856 alleged breaches of fiduciary duty by one or more directors; or
- 857 claims for damages to a unit based upon the alleged failure of
- 858 the association to maintain the common elements or condominium
- 859 property.
- 860 (2) VOLUNTARY MEDIATION.—Voluntary mediation through
- 861 Citizen Dispute Settlement Centers as provided for in s. 44.201
- 862 is encouraged.
- 863 (3) LEGISLATIVE FINDINGS.—
- 864 (a) The Legislature finds that unit owners are frequently
- 865 at a disadvantage when litigating against an association.
- 866 Specifically, a condominium association, with its statutory
- 867 assessment authority, is often more able to bear the costs and
- 868 expenses of litigation than the unit owner who must rely on his
- 869 or her own financial resources to satisfy the costs of
- 870 litigation against the association.

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871 (b) The Legislature finds that alternative dispute
872 resolution has been making progress in reducing court dockets
873 and trials and in offering a more efficient, cost-effective
874 option to court litigation. However, the Legislature also finds
875 that alternative dispute resolution should not be used as a
876 mechanism to encourage the filing of frivolous or nuisance
877 suits.

878 (c) There exists a need to develop a flexible means of
879 alternative dispute resolution that directs disputes to the most
880 efficient means of resolution.

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

887 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF
888 DISPUTES.—The Division of Florida Condominiums, Timeshares, and
889 Mobile Homes of the Department of Business and Professional
890 Regulation may employ full-time attorneys to act as arbitrators
891 to conduct the arbitration hearings provided by this chapter.
892 The division may also certify attorneys who are not employed by
893 the division to act as arbitrators to conduct the arbitration
894 hearings provided by this chapter. No person may be employed by
895 the department as a full-time arbitrator unless he or she is a
896 member in good standing of The Florida Bar. A person may only be
897 certified by the division to act as an arbitrator if he or she
898 has been a member in good standing of The Florida Bar for at
899 least 5 years and has mediated or arbitrated at least 10

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900 disputes involving condominiums in this state during the 3 years
901 immediately preceding the date of application, mediated or
902 arbitrated at least 30 disputes in any subject area in this
903 state during the 3 years immediately preceding the date of
904 application, or attained board certification in real estate law
905 or condominium and planned development law from The Florida Bar.
906 Arbitrator certification is valid for 1 year. An arbitrator who
907 does not maintain the minimum qualifications for initial
908 certification may not have his or her certification renewed. The
909 department may not enter into a legal services contract for an
910 arbitration hearing under this chapter with an attorney who is
911 not a certified arbitrator unless a certified arbitrator is not
912 available within 50 miles of the dispute. The department shall
913 adopt rules of procedure to govern such arbitration hearings
914 including mediation incident thereto. The decision of an
915 arbitrator shall be final; however, a decision shall not be
916 deemed final agency action. Nothing in this provision shall be
917 construed to foreclose parties from proceeding in a trial de
918 novo unless the parties have agreed that the arbitration is
919 binding. If judicial proceedings are initiated, the final
920 decision of the arbitrator shall be admissible in evidence in
921 the trial de novo.

922 (a) Prior to the institution of court litigation, a party
923 to a dispute shall either petition the division for nonbinding
924 arbitration or initiate presuit mediation as provided in
925 subsection (5). Arbitration shall be binding on the parties if
926 all parties in arbitration agree to be bound in a writing filed
927 in arbitration. The petition must be accompanied by a filing fee
928 in the amount of \$50. Filing fees collected under this section

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929 must be used to defray the expenses of the alternative dispute
930 resolution program.

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

933 1. Advance written notice of the specific nature of the
934 dispute;

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

937 3. Notice of the intention to file an arbitration petition
938 or other legal action in the absence of a resolution of the
939 dispute.

940

941 Failure to include the allegations or proof of compliance with
942 these prerequisites requires dismissal of the petition without
943 prejudice.

944 (c) Upon receipt, the petition shall be promptly reviewed
945 by the division to determine the existence of a dispute and
946 compliance with the requirements of paragraphs (a) and (b). If
947 emergency relief is required and is not available through
948 arbitration, a motion to stay the arbitration may be filed. The
949 motion must be accompanied by a verified petition alleging facts
950 that, if proven, would support entry of a temporary injunction,
951 and if an appropriate motion and supporting papers are filed,
952 the division may abate the arbitration pending a court hearing
953 and disposition of a motion for temporary injunction.

954 (d) Upon determination by the division that a dispute
955 exists and that the petition substantially meets the
956 requirements of paragraphs (a) and (b) and any other applicable
957 rules, the division shall assign or enter into a contract with

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958 an arbitrator and serve a copy of the petition upon all
959 respondents. The arbitrator shall conduct a hearing within 30
960 days after being assigned or entering into a contract unless the
961 petition is withdrawn or a continuance is granted for good cause
962 shown.

963 (e) Before or after the filing of the respondents' answer
964 to the petition, any party may request that the arbitrator refer
965 the case to mediation under this section and any rules adopted
966 by the division. Upon receipt of a request for mediation, the
967 division shall promptly contact the parties to determine if
968 there is agreement that mediation would be appropriate. If all
969 parties agree, the dispute must be referred to mediation.
970 Notwithstanding a lack of an agreement by all parties, the
971 arbitrator may refer a dispute to mediation at any time.

972 (f) Upon referral of a case to mediation, the parties must
973 select a mutually acceptable mediator. To assist in the
974 selection, the arbitrator shall provide the parties with a list
975 of both volunteer and paid mediators that have been certified by
976 the division under s. 718.501. If the parties are unable to
977 agree on a mediator within the time allowed by the arbitrator,
978 the arbitrator shall appoint a mediator from the list of
979 certified mediators. If a case is referred to mediation, the
980 parties shall attend a mediation conference, as scheduled by the
981 parties and the mediator. If any party fails to attend a duly
982 noticed mediation conference, without the permission or approval
983 of the arbitrator or mediator, the arbitrator must impose
984 sanctions against the party, including the striking of any
985 pleadings filed, the entry of an order of dismissal or default
986 if appropriate, and the award of costs and attorney fees

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987 incurred by the other parties. Unless otherwise agreed to by the
988 parties or as provided by order of the arbitrator, a party is
989 deemed to have appeared at a mediation conference by the
990 physical presence of the party or its representative having full
991 authority to settle without further consultation, provided that
992 an association may comply by having one or more representatives
993 present with full authority to negotiate a settlement and
994 recommend that the board of administration ratify and approve
995 such a settlement within 5 days from the date of the mediation
996 conference. The parties shall share equally the expense of
997 mediation, unless they agree otherwise.

998 (g) The purpose of mediation as provided for by this
999 section is to present the parties with an opportunity to resolve
1000 the underlying dispute in good faith, and with a minimum
1001 expenditure of time and resources.

1002 (h) Mediation proceedings must generally be conducted in
1003 accordance with the Florida Rules of Civil Procedure, and these
1004 proceedings are privileged and confidential to the same extent
1005 as court-ordered mediation. Persons who are not parties to the
1006 dispute are not allowed to attend the mediation conference
1007 without the consent of all parties, with the exception of
1008 counsel for the parties and corporate representatives designated
1009 to appear for a party. If the mediator declares an impasse after
1010 a mediation conference has been held, the arbitration proceeding
1011 terminates, unless all parties agree in writing to continue the
1012 arbitration proceeding, in which case the arbitrator's decision
1013 shall be binding or nonbinding, as agreed upon by the parties;
1014 in the arbitration proceeding, the arbitrator shall not consider
1015 any evidence relating to the unsuccessful mediation except in a

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1016 proceeding to impose sanctions for failure to appear at the
1017 mediation conference. If the parties do not agree to continue
1018 arbitration, the arbitrator shall enter an order of dismissal,
1019 and either party may institute a suit in a court of competent
1020 jurisdiction. The parties may seek to recover any costs and
1021 attorney fees incurred in connection with arbitration and
1022 mediation proceedings under this section as part of the costs
1023 and fees that may be recovered by the prevailing party in any
1024 subsequent litigation.

1025 (i) Arbitration shall be conducted according to rules
1026 adopted by the division. The filing of a petition for
1027 arbitration shall toll the applicable statute of limitations.

1028 (j) At the request of any party to the arbitration, the
1029 arbitrator shall issue subpoenas for the attendance of witnesses
1030 and the production of books, records, documents, and other
1031 evidence and any party on whose behalf a subpoena is issued may
1032 apply to the court for orders compelling such attendance and
1033 production. Subpoenas shall be served and shall be enforceable
1034 in the manner provided by the Florida Rules of Civil Procedure.
1035 Discovery may, in the discretion of the arbitrator, be permitted
1036 in the manner provided by the Florida Rules of Civil Procedure.
1037 Rules adopted by the division may authorize any reasonable
1038 sanctions except contempt for a violation of the arbitration
1039 procedural rules of the division or for the failure of a party
1040 to comply with a reasonable nonfinal order issued by an
1041 arbitrator which is not under judicial review.

1042 (k) The arbitration decision shall be rendered within 30
1043 days after the hearing and presented to the parties in writing.
1044 An arbitration decision is final in those disputes in which the

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1045 parties have agreed to be bound. An arbitration decision is also
1046 final if a complaint for a trial de novo is not filed in a court
1047 of competent jurisdiction in which the condominium is located
1048 within 30 days. The right to file for a trial de novo entitles
1049 the parties to file a complaint in the appropriate trial court
1050 for a judicial resolution of the dispute. The prevailing party
1051 in an arbitration proceeding shall be awarded the costs of the
1052 arbitration and reasonable attorney fees in an amount determined
1053 by the arbitrator. Such an award shall include the costs and
1054 reasonable attorney fees incurred in the arbitration proceeding
1055 as well as the costs and reasonable attorney fees incurred in
1056 preparing for and attending any scheduled mediation. An
1057 arbitrator's failure to render a written decision within 30 days
1058 after the hearing may result in the cancellation of his or her
1059 arbitration certification.

1060 (l) The party who files a complaint for a trial de novo
1061 shall be assessed the other party's arbitration costs, court
1062 costs, and other reasonable costs, including attorney fees,
1063 investigation expenses, and expenses for expert or other
1064 testimony or evidence incurred after the arbitration hearing if
1065 the judgment upon the trial de novo is not more favorable than
1066 the arbitration decision. If the judgment is more favorable, the
1067 party who filed a complaint for trial de novo shall be awarded
1068 reasonable court costs and attorney fees.

1069 (m) Any party to an arbitration proceeding may enforce an
1070 arbitration award by filing a petition in a court of competent
1071 jurisdiction in which the condominium is located. A petition may
1072 not be granted unless the time for appeal by the filing of a
1073 complaint for trial de novo has expired. If a complaint for a

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1074 trial de novo has been filed, a petition may not be granted with
 1075 respect to an arbitration award that has been stayed. If the
 1076 petition for enforcement is granted, the petitioner shall
 1077 recover reasonable attorney fees and costs incurred in enforcing
 1078 the arbitration award. A mediation settlement may also be
 1079 enforced through the county or circuit court, as applicable, and
 1080 any costs and fees incurred in the enforcement of a settlement
 1081 agreement reached at mediation must be awarded to the prevailing
 1082 party in any enforcement action.

1083 (5) PRESUIT MEDIATION.—In lieu of the initiation of
 1084 mandatory nonbinding arbitration set forth in subsections (1)-
 1085 (4), a party may submit a dispute to presuit mediation in
 1086 accordance with s. 720.311. Election and recall disputes are not
 1087 eligible for mediation; such disputes must be arbitrated by the
 1088 division or filed with a court of competent jurisdiction.

1089 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every
 1090 arbitration petition received by the division and required to be
 1091 filed under this section challenging the legality of the
 1092 election of any director of the board of administration must be
 1093 handled on an expedited basis in the manner provided by the
 1094 division's rules for recall arbitration disputes.

1095 (7) ~~(6)~~ APPLICABILITY.—This section does not apply to a
 1096 nonresidential condominium unless otherwise specifically
 1097 provided for in the declaration of the nonresidential
 1098 condominium.

1099 Section 8. Subsection (1) and paragraph (b) of subsection
 1100 (3) of section 718.303, Florida Statutes, are amended to read:

1101 718.303 Obligations of owners and occupants; remedies.—

1102 (1) Each unit owner, ~~each~~ tenant and other invitee, and

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1103 ~~each~~ association is governed by, and must comply with the
1104 provisions of, this chapter, the declaration, the documents
1105 creating the association, and the association bylaws which are
1106 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
1107 Actions at law or in equity ~~for damages or for injunctive~~
1108 ~~relief~~, or both, for failure to comply with these provisions may
1109 be brought by the association or by a unit owner against:

1110 (a) The association.

1111 (b) A unit owner.

1112 (c) Directors designated by the developer, for actions
1113 taken by them before control of the association is assumed by
1114 unit owners other than the developer.

1115 (d) Any director who willfully and knowingly fails to
1116 comply with these provisions.

1117 (e) Any tenant leasing a unit, and any other invitee
1118 occupying a unit.

1119

1120 The prevailing party in any such action or in any action in
1121 which the purchaser claims a right of voidability based upon
1122 contractual provisions as required in s. 718.503(1)(a) is
1123 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
1124 owner prevailing in an action between the association and the
1125 unit owner under this subsection ~~section~~, in addition to
1126 recovering his or her reasonable attorney ~~attorney's~~ fees, may
1127 recover additional amounts as determined by the court to be
1128 necessary to reimburse the unit owner for his or her share of
1129 assessments levied by the association to fund its expenses of
1130 the litigation. This relief does not exclude other remedies
1131 provided by law. Actions arising under this subsection are not

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1132 ~~considered~~ may not be deemed to be actions for specific
1133 performance.

1134 (3) The association may levy reasonable fines for the
1135 failure of the owner of the unit or its occupant, licensee, or
1136 invitee to comply with any provision of the declaration, the
1137 association bylaws, or reasonable rules of the association. A
1138 fine may not become a lien against a unit. A fine may be levied
1139 by the board on the basis of each day of a continuing violation,
1140 with a single notice and opportunity for hearing before a
1141 committee as provided in paragraph (b). However, the fine may
1142 not exceed \$100 per violation, or \$1,000 in the aggregate.

1143 (b) A fine or suspension levied by the board of
1144 administration may not be imposed unless the board first
1145 provides at least 14 days' written notice to the unit owner and,
1146 if applicable, any tenant ~~occupant~~, licensee, or invitee of the
1147 unit owner sought to be fined or suspended, and an opportunity
1148 for a hearing before a committee of at least three members
1149 appointed by the board who are not officers, directors, or
1150 employees of the association, or the spouse, parent, child,
1151 brother, or sister of an officer, director, or employee. The
1152 role of the committee is limited to determining whether to
1153 confirm or reject the fine or suspension levied by the board. If
1154 the committee does not approve the proposed fine or suspension
1155 by majority vote, the fine or suspension may not be imposed. If
1156 the proposed fine or suspension is approved by the committee,
1157 the fine payment is due 5 days after notice of the approved fine
1158 is provided to the unit owner and, if applicable, to any tenant,
1159 licensee, or invitee of the unit owner ~~the date of the committee~~
1160 ~~meeting at which the fine is approved.~~ The association must

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1161 provide written notice of such fine or suspension by mail or
1162 hand delivery to the unit owner and, if applicable, to any
1163 tenant, licensee, or invitee of the unit owner.

1164 Section 9. Section 718.5014, Florida Statutes, is amended
1165 to read:

1166 718.5014 Ombudsman location.—The ombudsman shall maintain
1167 his or her principal office in a Leon County ~~on the premises of~~
1168 ~~the division or, if suitable space cannot be provided there, at~~
1169 ~~another~~ place convenient to the offices of the division which
1170 will enable the ombudsman to expeditiously carry out the duties
1171 and functions of his or her office. The ombudsman may establish
1172 branch offices elsewhere in the state upon the concurrence of
1173 the Governor.

1174 Section 10. Subsection (25) of section 719.103, Florida
1175 Statutes, is amended to read:

1176 719.103 Definitions.—As used in this chapter:

1177 (25) "Unit" means a part of the cooperative property which
1178 is subject to exclusive use and possession. A unit may be
1179 improvements, land, or land and improvements together, as
1180 specified in the cooperative documents. An interest in a unit is
1181 an interest in real property.

1182 Section 11. Paragraph (c) of subsection (2) of section
1183 719.104, Florida Statutes, is amended to read:

1184 719.104 Cooperatives; access to units; records; financial
1185 reports; assessments; purchase of leases.—

1186 (2) OFFICIAL RECORDS.—

1187 (c) The official records of the association are open to
1188 inspection by any association member or the authorized
1189 representative of such member at all reasonable times. The right

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1190 to inspect the records includes the right to make or obtain
1191 copies, at the reasonable expense, if any, of the association
1192 member. The association may adopt reasonable rules regarding the
1193 frequency, time, location, notice, and manner of record
1194 inspections and copying, but may not require a member to
1195 demonstrate any purpose or state any reason for the inspection.
1196 The failure of an association to provide the records within 10
1197 working days after receipt of a written request creates a
1198 rebuttable presumption that the association willfully failed to
1199 comply with this paragraph. A member ~~unit-owner~~ who is denied
1200 access to official records is entitled to the actual damages or
1201 minimum damages for the association's willful failure to comply.
1202 The minimum damages are \$50 per calendar day for up to 10 days,
1203 beginning on the 11th working day after receipt of the written
1204 request. The failure to permit inspection entitles any person
1205 prevailing in an enforcement action to recover reasonable
1206 attorney fees from the person in control of the records who,
1207 directly or indirectly, knowingly denied access to the records.
1208 Any person who knowingly or intentionally defaces or destroys
1209 accounting records that are required by this chapter to be
1210 maintained during the period for which such records are required
1211 to be maintained, or who knowingly or intentionally fails to
1212 create or maintain accounting records that are required to be
1213 created or maintained, with the intent of causing harm to the
1214 association or one or more of its members, is personally subject
1215 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
1216 association shall maintain an adequate number of copies of the
1217 declaration, articles of incorporation, bylaws, and rules, and
1218 all amendments to each of the foregoing, as well as the question

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1219 and answer sheet as described in s. 719.504 and year-end
1220 financial information required by the department, on the
1221 cooperative property to ensure their availability to members
1222 ~~unit owners~~ and prospective purchasers, and may charge its
1223 actual costs for preparing and furnishing these documents to
1224 those requesting the same. An association shall allow a member
1225 or his or her authorized representative to use a portable
1226 device, including a smartphone, tablet, portable scanner, or any
1227 other technology capable of scanning or taking photographs, to
1228 make an electronic copy of the official records in lieu of the
1229 association providing the member or his or her authorized
1230 representative with a copy of such records. The association may
1231 not charge a member or his or her authorized representative for
1232 the use of a portable device. Notwithstanding this paragraph,
1233 the following records shall not be accessible to members ~~unit~~
1234 ~~owners~~:

1235 1. Any record protected by the lawyer-client privilege as
1236 described in s. 90.502 and any record protected by the work-
1237 product privilege, including any record prepared by an
1238 association attorney or prepared at the attorney's express
1239 direction which reflects a mental impression, conclusion,
1240 litigation strategy, or legal theory of the attorney or the
1241 association, and which was prepared exclusively for civil or
1242 criminal litigation or for adversarial administrative
1243 proceedings, or which was prepared in anticipation of such
1244 litigation or proceedings until the conclusion of the litigation
1245 or proceedings.

1246 2. Information obtained by an association in connection
1247 with the approval of the lease, sale, or other transfer of a

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1248 unit.

1249 3. Personnel records of association or management company
1250 employees, including, but not limited to, disciplinary, payroll,
1251 health, and insurance records. For purposes of this
1252 subparagraph, the term "personnel records" does not include
1253 written employment agreements with an association employee or
1254 management company, or budgetary or financial records that
1255 indicate the compensation paid to an association employee.

1256 4. Medical records of unit owners.

1257 5. Social security numbers, driver license numbers, credit
1258 card numbers, e-mail addresses, telephone numbers, facsimile
1259 numbers, emergency contact information, addresses of a unit
1260 owner other than as provided to fulfill the association's notice
1261 requirements, and other personal identifying information of any
1262 person, excluding the person's name, unit designation, mailing
1263 address, property address, and any address, e-mail address, or
1264 facsimile number provided to the association to fulfill the
1265 association's notice requirements. Notwithstanding the
1266 restrictions in this subparagraph, an association may print and
1267 distribute to unit ~~parcel~~ owners a directory containing the
1268 name, unit ~~parcel~~ address, and all telephone numbers of each
1269 unit ~~parcel~~ owner. However, an owner may exclude his or her
1270 telephone numbers from the directory by so requesting in writing
1271 to the association. An owner may consent in writing to the
1272 disclosure of other contact information described in this
1273 subparagraph. The association is not liable for the inadvertent
1274 disclosure of information that is protected under this
1275 subparagraph if the information is included in an official
1276 record of the association and is voluntarily provided by an

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1277 owner and not requested by the association.

1278 6. Electronic security measures that are used by the
1279 association to safeguard data, including passwords.

1280 7. The software and operating system used by the
1281 association which allow the manipulation of data, even if the
1282 owner owns a copy of the same software used by the association.
1283 The data is part of the official records of the association.

1284 Section 12. Paragraph (b) of subsection (1) of section
1285 719.106, Florida Statutes, is amended, and subsection (3) is
1286 added to that section, to read:

1287 719.106 Bylaws; cooperative ownership.—

1288 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1289 documents shall provide for the following, and if they do not,
1290 they shall be deemed to include the following:

1291 (b) *Quorum; voting requirements; proxies.*—

1292 1. Unless otherwise provided in the bylaws, the percentage
1293 of voting interests required to constitute a quorum at a meeting
1294 of the members shall be a majority of voting interests, and
1295 decisions shall be made by owners of a majority of the voting
1296 interests. Unless otherwise provided in this chapter, or in the
1297 articles of incorporation, bylaws, or other cooperative
1298 documents, and except as provided in subparagraph (d)1.,
1299 decisions shall be made by owners of a majority of the voting
1300 interests represented at a meeting at which a quorum is present.

1301 2. Except as specifically otherwise provided herein, after
1302 January 1, 1992, unit owners may not vote by general proxy, but
1303 may vote by limited proxies substantially conforming to a
1304 limited proxy form adopted by the division. Limited proxies and
1305 general proxies may be used to establish a quorum. Limited

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1306 proxies shall be used for votes taken to waive or reduce
1307 reserves in accordance with subparagraph (j)2., for votes taken
1308 to waive the financial reporting requirements of s.
1309 719.104(4)(b), for votes taken to amend the articles of
1310 incorporation or bylaws pursuant to this section, and for any
1311 other matter for which this chapter requires or permits a vote
1312 of the unit owners. Except as provided in paragraph (d), after
1313 January 1, 1992, no proxy, limited or general, shall be used in
1314 the election of board members. General proxies may be used for
1315 other matters for which limited proxies are not required, and
1316 may also be used in voting for nonsubstantive changes to items
1317 for which a limited proxy is required and given. Notwithstanding
1318 the provisions of this section, unit owners may vote in person
1319 at unit owner meetings. Nothing contained herein shall limit the
1320 use of general proxies or require the use of limited proxies or
1321 require the use of limited proxies for any agenda item or
1322 election at any meeting of a timeshare cooperative.

1323 3. Any proxy given shall be effective only for the specific
1324 meeting for which originally given and any lawfully adjourned
1325 meetings thereof. In no event shall any proxy be valid for a
1326 period longer than 90 days after the date of the first meeting
1327 for which it was given. Every proxy shall be revocable at any
1328 time at the pleasure of the unit owner executing it.

1329 4. A member of the board of administration or a committee
1330 may submit in writing his or her agreement or disagreement with
1331 any action taken at a meeting that the member did not attend.
1332 This agreement or disagreement may not be used as a vote for or
1333 against the action taken and may not be used for the purposes of
1334 creating a quorum.

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1335 5. A board or committee member participating in a meeting
1336 via telephone, real-time video conferencing, or similar real-
1337 time electronic or video communication counts toward a quorum,
1338 and such member may vote as if physically present ~~When some or~~
1339 ~~all of the board or committee members meet by telephone~~
1340 ~~conference, those board or committee members attending by~~
1341 ~~telephone conference may be counted toward obtaining a quorum~~
1342 ~~and may vote by telephone. A telephone speaker must shall be~~
1343 ~~used~~ utilized so that the conversation of such ~~those board or~~
1344 ~~committee members attending by telephone~~ may be heard by the
1345 board or committee members attending in person, as well as by
1346 any unit owners present at a meeting.

1347 (3) GENERALLY.—The association may extinguish a
1348 discriminatory restriction, as defined in s. 712.065(1),
1349 pursuant to s. 712.065.

1350 Section 13. Paragraph (1) of subsection (4) of section
1351 720.303, Florida Statutes, is redesignated as paragraph (m), a
1352 new paragraph (1) is added to that subsection, and paragraph (c)
1353 of subsection (2) and present paragraph (1) of subsection (4) of
1354 that section are amended, to read:

1355 720.303 Association powers and duties; meetings of board;
1356 official records; budgets; financial reporting; association
1357 funds; recalls.—

1358 (2) BOARD MEETINGS.—

1359 (c) The bylaws shall provide the following for giving
1360 notice to parcel owners and members of all board meetings and,
1361 if they do not do so, shall be deemed to include the following:

1362 1. Notices of all board meetings must be posted in a
1363 conspicuous place in the community at least 48 hours in advance

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1364 of a meeting, except in an emergency. In the alternative, if
1365 notice is not posted in a conspicuous place in the community,
1366 notice of each board meeting must be mailed or delivered to each
1367 member at least 7 days before the meeting, except in an
1368 emergency. Notwithstanding this general notice requirement, for
1369 communities with more than 100 members, the association bylaws
1370 may provide for a reasonable alternative to posting or mailing
1371 of notice for each board meeting, including publication of
1372 notice, provision of a schedule of board meetings, or the
1373 conspicuous posting and repeated broadcasting of the notice on a
1374 closed-circuit cable television system serving the homeowners'
1375 association. However, if broadcast notice is used in lieu of a
1376 notice posted physically in the community, the notice must be
1377 broadcast at least four times every broadcast hour of each day
1378 that a posted notice is otherwise required. When broadcast
1379 notice is provided, the notice and agenda must be broadcast in a
1380 manner and for a sufficient continuous length of time so as to
1381 allow an average reader to observe the notice and read and
1382 comprehend the entire content of the notice and the agenda. In
1383 addition to any of the authorized means of providing notice of a
1384 meeting of the board, the association may adopt, by rule, a
1385 procedure for conspicuously posting the meeting notice and the
1386 agenda on the association's website for at least the minimum
1387 period of time for which a notice of a meeting is also required
1388 to be physically posted on the association property. Any such
1389 rule must require the association to send to members whose e-
1390 mail addresses are included in the association's official
1391 records an electronic notice in the same manner as is required
1392 for a notice of a meeting of the members. Such notice must

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1393 include a hyperlink to the website where the notice is posted.
1394 The association may provide notice by electronic transmission in
1395 a manner authorized by law for meetings of the board of
1396 directors, committee meetings requiring notice under this
1397 section, and annual and special meetings of the members to any
1398 member who has provided a facsimile number or e-mail address to
1399 the association to be used for such purposes; however, a member
1400 must consent in writing to receiving notice by electronic
1401 transmission.

1402 2. An assessment may not be levied at a board meeting
1403 unless the notice of the meeting includes a statement that
1404 assessments will be considered and the nature of the
1405 assessments. Written notice of any meeting at which special
1406 assessments will be considered or at which amendments to rules
1407 regarding parcel use will be considered must be mailed,
1408 delivered, or electronically transmitted to the members and
1409 parcel owners and posted conspicuously on the property or
1410 broadcast on closed-circuit cable television not less than 14
1411 days before the meeting.

1412 3. Directors may not vote by proxy or by secret ballot at
1413 board meetings, except that secret ballots may be used in the
1414 election of officers. This subsection also applies to the
1415 meetings of any committee or other similar body, when a final
1416 decision will be made regarding the expenditure of association
1417 funds, and to any body vested with the power to approve or
1418 disapprove architectural decisions with respect to a specific
1419 parcel of residential property owned by a member of the
1420 community.

1421 (4) OFFICIAL RECORDS.—The association shall maintain each

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1422 of the following items, when applicable, which constitute the
1423 official records of the association:

1424 (1) Ballots, sign-in sheets, voting proxies, and all other
1425 papers and electronic records relating to voting by parcel
1426 owners, which must be maintained for at least 1 year after the
1427 date of the election, vote, or meeting.

1428 (m)~~(l)~~ All other ~~written~~ records of the association not
1429 specifically included in this subsection ~~the foregoing~~ which are
1430 related to the operation of the association.

1431 Section 14. Subsections (1) and (2) of section 720.305,
1432 Florida Statutes, are amended to read:

1433 720.305 Obligations of members; remedies at law or in
1434 equity; levy of fines and suspension of use rights.—

1435 (1) Each member and the member's tenants, guests, and
1436 invitees, and each association, are governed by, and must comply
1437 with, this chapter and ~~the governing documents of the~~
1438 ~~community, and the rules of the association.~~ Actions at law or
1439 in equity, or both, to redress alleged failure or refusal to
1440 comply with these provisions may be brought by the association
1441 or by any member against:

1442 (a) The association;

1443 (b) A member;

1444 (c) Any director or officer of an association who willfully
1445 and knowingly fails to comply with these provisions; and

1446 (d) Any tenants, guests, or invitees occupying a parcel or
1447 using the common areas.

1448
1449 The prevailing party in any such litigation is entitled to
1450 recover reasonable attorney fees and costs. A member prevailing

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1451 in an action between the association and the member under this
1452 section, in addition to recovering his or her reasonable
1453 attorney fees, may recover additional amounts as determined by
1454 the court to be necessary to reimburse the member for his or her
1455 share of assessments levied by the association to fund its
1456 expenses of the litigation. This relief does not exclude other
1457 remedies provided by law. This section does not deprive any
1458 person of any other available right or remedy.

1459 (2) An ~~The~~ association may levy reasonable fines. A fine
1460 may not exceed \$100 per violation against any member or any
1461 member's tenant, guest, or invitee for the failure of the owner
1462 of the parcel or its occupant, licensee, or invitee to comply
1463 with any provision of the declaration, the association bylaws,
1464 or reasonable rules of the association unless otherwise provided
1465 in the governing documents. A fine may be levied by the board
1466 for each day of a continuing violation, with a single notice and
1467 opportunity for hearing, except that the fine may not exceed
1468 \$1,000 in the aggregate unless otherwise provided in the
1469 governing documents. A fine of less than \$1,000 may not become a
1470 lien against a parcel. In any action to recover a fine, the
1471 prevailing party is entitled to reasonable attorney fees and
1472 costs from the nonprevailing party as determined by the court.

1473 (a) An association may suspend, for a reasonable period of
1474 time, the right of a member, or a member's tenant, guest, or
1475 invitee, to use common areas and facilities for the failure of
1476 the owner of the parcel or its occupant, licensee, or invitee to
1477 comply with any provision of the declaration, the association
1478 bylaws, or reasonable rules of the association. This paragraph
1479 does not apply to that portion of common areas used to provide

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1480 access or utility services to the parcel. A suspension may not
1481 prohibit an owner or tenant of a parcel from having vehicular
1482 and pedestrian ingress to and egress from the parcel, including,
1483 but not limited to, the right to park.

1484 (b) A fine or suspension levied by the board of
1485 administration may not be imposed unless the board first
1486 provides at least 14 days' notice to the parcel owner and, if
1487 applicable, any occupant, licensee, or invitee of the parcel
1488 owner, sought to be fined or suspended and an opportunity for a
1489 hearing before a committee of at least three members appointed
1490 by the board who are not officers, directors, or employees of
1491 the association, or the spouse, parent, child, brother, or
1492 sister of an officer, director, or employee. If the committee,
1493 by majority vote, does not approve a proposed fine or
1494 suspension, the proposed fine or suspension may not be imposed.
1495 The role of the committee is limited to determining whether to
1496 confirm or reject the fine or suspension levied by the board. If
1497 the proposed fine or suspension levied by the board is approved
1498 by the committee, the fine payment is due 5 days after notice of
1499 the approved fine is provided to the parcel owner and, if
1500 applicable, to any occupant, licensee, or invitee of the parcel
1501 owner the date of the committee meeting at which the fine is
1502 approved. The association must provide written notice of such
1503 fine or suspension by mail or hand delivery to the parcel owner
1504 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
1505 of the parcel owner.

1506 Section 15. Paragraph (g) of subsection (1) of section
1507 720.306, Florida Statutes, is amended to read:

1508 720.306 Meetings of members; voting and election

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1509 procedures; amendments.-

1510 (1) QUORUM; AMENDMENTS.-

1511 (g) A notice required under this section must be mailed or
1512 delivered to the address identified as the parcel owner's
1513 mailing address in the official records of the association as
1514 required under s. 720.303(4) ~~on the property appraiser's website~~
1515 ~~for the county in which the parcel is located,~~ or electronically
1516 transmitted in a manner authorized by the association if the
1517 parcel owner has consented, in writing, to receive notice by
1518 electronic transmission.

1519 Section 16. Subsection (6) is added to section 720.3075,
1520 Florida Statutes, to read:

1521 720.3075 Prohibited clauses in association documents.-

1522 (6) The association may extinguish a discriminatory
1523 restriction, as defined in s. 712.065(1), pursuant to s.
1524 712.065.

1525 Section 17. This act shall take effect July 1, 2020.