

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Business & Professions
 2 Subcommittee

3 Representative Shoaf offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (2) of section
 8 514.0115, Florida Statutes, is amended to read:

9 514.0115 Exemptions from supervision or regulation;
 10 variances.—

11 (2) (a) Pools serving condominium, cooperative, and
 12 homeowners' associations, as well as other property
 13 associations, which have no more than 32 ~~condominium or~~
 14 ~~cooperative~~ units or parcels and which are not operated as a
 15 public lodging establishments are ~~establishment shall~~ be exempt
 16 from supervision under this chapter, except for water quality.

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

19 627.714 Residential condominium unit owner coverage; loss
20 assessment coverage required.—

21 (4) Every individual unit owner's residential property
22 policy must contain a provision stating that the coverage
23 afforded by such policy is excess coverage over the amount
24 recoverable under any other policy covering the same property.
25 If a condominium association's insurance policy does not provide
26 rights for subrogation against the unit owners in the
27 association, an insurance policy issued to an individual unit
28 owner located in the association may not provide rights of
29 subrogation against the condominium association.

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

32 718.111 The association.—

33 (12) OFFICIAL RECORDS.—

34 (a) From the inception of the association, the association
35 shall maintain each of the following items, if applicable, which
36 constitutes the official records of the association:

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

39 2. A photocopy of the recorded declaration of condominium
40 of each condominium operated by the association and each
41 amendment to each declaration.

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42 3. A photocopy of the recorded bylaws of the association
43 and each amendment to the bylaws.

44 4. A certified copy of the articles of incorporation of
45 the association, or other documents creating the association,
46 and each amendment thereto.

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

48 6. A book or books that contain the minutes of all
49 meetings of the association, the board of administration, and
50 the unit owners.

51 7. A current roster of all unit owners and their mailing
52 addresses, unit identifications, voting certifications, and, if
53 known, telephone numbers. The association shall also maintain
54 the e-mail addresses and facsimile numbers of unit owners
55 consenting to receive notice by electronic transmission. The e-
56 mail addresses and facsimile numbers are not accessible to unit
57 owners if consent to receive notice by electronic transmission
58 is not provided in accordance with sub-subparagraph (c)3.e.
59 However, the association is not liable for an inadvertent
60 disclosure of the e-mail address or facsimile number for
61 receiving electronic transmission of notices.

62 8. All current insurance policies of the association and
63 condominiums operated by the association.

64 9. A current copy of any management agreement, lease, or
65 other contract to which the association is a party or under
66 which the association or the unit owners have an obligation or

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67 responsibility.

68 10. Bills of sale or transfer for all property owned by
69 the association.

70 11. Accounting records for the association and separate
71 accounting records for each condominium that the association
72 operates. Any person who knowingly or intentionally defaces or
73 destroys such records, or who knowingly or intentionally fails
74 to create or maintain such records, with the intent of causing
75 harm to the association or one or more of its members, is
76 personally subject to a civil penalty pursuant to s.
77 718.501(1)(d). The accounting records must include, but are not
78 limited to:

79 a. Accurate, itemized, and detailed records of all
80 receipts and expenditures.

81 b. A current account and a monthly, bimonthly, or
82 quarterly statement of the account for each unit designating the
83 name of the unit owner, the due date and amount of each
84 assessment, the amount paid on the account, and the balance due.

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

87 d. All contracts for work to be performed. Bids for work
88 to be performed are also considered official records and must be
89 maintained by the association for at least 1 year after receipt
90 of the bid.

91 12. Ballots, sign-in sheets, voting proxies, and all other

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92 papers and electronic records relating to voting by unit owners,
93 which must be maintained for 1 year from the date of the
94 election, vote, or meeting to which the document relates,
95 notwithstanding paragraph (b).

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

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

100 ~~15. All other written records of the association not~~
101 ~~specifically included in the foregoing which are related to the~~
102 ~~operation of the association.~~

103 ~~15.16.~~ A copy of the inspection report as described in s.
104 718.301(4)(p).

105 ~~16.17.~~ Bids for materials, equipment, or services.

106 17. All other records of the association not specifically
107 included in subparagraphs 1.-16. which are related to the
108 operation of the association.

109 (b) The official records specified in subparagraphs (a)1.-
110 6. must be permanently maintained from the inception of the
111 association. Bids for work to be performed or for materials,
112 equipment, or services must be maintained for at least 1 year
113 after receipt of the bid. All other official records must be
114 maintained within the state for at least 7 years, unless
115 otherwise provided by general law. The records of the
116 association shall be made available to a unit owner within 45

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117 miles of the condominium property or within the county in which
118 the condominium property is located within 10 working days after
119 receipt of a written request by the board or its designee.
120 However, such distance requirement does not apply to an
121 association governing a timeshare condominium. This paragraph
122 may be complied with by having a copy of the official records of
123 the association available for inspection or copying on the
124 condominium property or association property, or the association
125 may offer the option of making the records available to a unit
126 owner electronically via the Internet or by allowing the records
127 to be viewed in electronic format on a computer screen and
128 printed upon request. The association is not responsible for the
129 use or misuse of the information provided to an association
130 member or his or her authorized representative in pursuant to
131 ~~the compliance with requirements of~~ this chapter unless the
132 association has an affirmative duty not to disclose such
133 information under ~~pursuant to~~ this chapter.

134 (c)1. The official records of the association are open to
135 inspection by any association member or the authorized
136 representative of such member at all reasonable times. The right
137 to inspect the records includes the right to make or obtain
138 copies, at the reasonable expense, if any, of the member or
139 authorized representative of such member. A renter of a unit has
140 a right to inspect and copy the association's bylaws and rules.
141 The association may adopt reasonable rules regarding the

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142 frequency, time, location, notice, and manner of record
143 inspections and copying, but may not require a member to
144 demonstrate any purpose or state any reason for the inspection.
145 The failure of an association to provide the records within 10
146 working days after receipt of a written request creates a
147 rebuttable presumption that the association willfully failed to
148 comply with this paragraph. A unit owner who is denied access to
149 official records is entitled to the actual damages or minimum
150 damages for the association's willful failure to comply. Minimum
151 damages are \$50 per calendar day for up to 10 days, beginning on
152 the 11th working day after receipt of the written request. The
153 failure to permit inspection entitles any person prevailing in
154 an enforcement action to recover reasonable attorney fees from
155 the person in control of the records who, directly or
156 indirectly, knowingly denied access to the records.

157 2. Any person who knowingly or intentionally defaces or
158 destroys accounting records that are required by this chapter to
159 be maintained during the period for which such records are
160 required to be maintained, or who knowingly or intentionally
161 fails to create or maintain accounting records that are required
162 to be created or maintained, with the intent of causing harm to
163 the association or one or more of its members, is personally
164 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

165 3. The association shall maintain an adequate number of
166 copies of the declaration, articles of incorporation, bylaws,

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167 and rules, and all amendments to each of the foregoing, as well
168 as the question and answer sheet as described in s. 718.504 and
169 year-end financial information required under this section, on
170 the condominium property to ensure their availability to unit
171 owners and prospective purchasers, and may charge its actual
172 costs for preparing and furnishing these documents to those
173 requesting the documents. An association shall allow a member or
174 his or her authorized representative to use a portable device,
175 including a smartphone, tablet, portable scanner, or any other
176 technology capable of scanning or taking photographs, to make an
177 electronic copy of the official records in lieu of the
178 association's providing the member or his or her authorized
179 representative with a copy of such records. The association may
180 not charge a member or his or her authorized representative for
181 the use of a portable device. Notwithstanding this paragraph,
182 the following records are not accessible to unit owners:

183 a. Any record protected by the lawyer-client privilege as
184 described in s. 90.502 and any record protected by the work-
185 product privilege, including a record prepared by an association
186 attorney or prepared at the attorney's express direction, which
187 reflects a mental impression, conclusion, litigation strategy,
188 or legal theory of the attorney or the association, and which
189 was prepared exclusively for civil or criminal litigation or for
190 adversarial administrative proceedings, or which was prepared in
191 anticipation of such litigation or proceedings until the

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192 conclusion of the litigation or proceedings.

193 b. Information obtained by an association in connection
194 with the approval of the lease, sale, or other transfer of a
195 unit.

196 c. Personnel records of association or management company
197 employees, including, but not limited to, disciplinary, payroll,
198 health, and insurance records. For purposes of this sub-
199 subparagraph, the term "personnel records" does not include
200 written employment agreements with an association employee or
201 management company, or budgetary or financial records that
202 indicate the compensation paid to an association employee.

203 d. Medical records of unit owners.

204 e. Social security numbers, driver license numbers, credit
205 card numbers, e-mail addresses, telephone numbers, facsimile
206 numbers, emergency contact information, addresses of a unit
207 owner other than as provided to fulfill the association's notice
208 requirements, and other personal identifying information of any
209 person, excluding the person's name, unit designation, mailing
210 address, property address, and any address, e-mail address, or
211 facsimile number provided to the association to fulfill the
212 association's notice requirements. Notwithstanding the
213 restrictions in this sub-subparagraph, an association may print
214 and distribute to unit ~~parcel~~ owners a directory containing the
215 name, unit ~~parcel~~ address, and all telephone numbers of each
216 unit ~~parcel~~ owner. However, an owner may exclude his or her

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217 telephone numbers from the directory by so requesting in writing
218 to the association. An owner may consent in writing to the
219 disclosure of other contact information described in this sub-
220 subparagraph. The association is not liable for the inadvertent
221 disclosure of information that is protected under this sub-
222 subparagraph if the information is included in an official
223 record of the association and is voluntarily provided by an
224 owner and not requested by the association.

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

227 g. The software and operating system used by the
228 association which allow the manipulation of data, even if the
229 owner owns a copy of the same software used by the association.
230 The data is part of the official records of the association.

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

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

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

240 (II) A website, application, or web portal operated by a
241 third-party provider with whom the association owns, leases,

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242 rents, or otherwise obtains the right to operate a web page,
243 subpage, web portal, ~~or~~ collection of subpages or web portals,
244 or application which is dedicated to the association's
245 activities and on which required notices, records, and documents
246 may be posted or made available by the association.

247 b. The association's website or application must be
248 accessible through the Internet and must contain a subpage, web
249 portal, or other protected electronic location that is
250 inaccessible to the general public and accessible only to unit
251 owners and employees of the association.

252 c. Upon a unit owner's written request, the association
253 must provide the unit owner with a username and password and
254 access to the protected sections of the association's website or
255 application that contain any notices, records, or documents that
256 must be electronically provided.

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

260 a. The recorded declaration of condominium of each
261 condominium operated by the association and each amendment to
262 each declaration.

263 b. The recorded bylaws of the association and each
264 amendment to the bylaws.

265 c. The articles of incorporation of the association, or
266 other documents creating the association, and each amendment to

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267 the articles of incorporation or other documents ~~thereto~~. The
268 copy posted pursuant to this sub-subparagraph must be a copy of
269 the articles of incorporation filed with the Department of
270 State.

271 d. The rules of the association.

272 e. A list of all executory contracts or documents to which
273 the association is a party or under which the association or the
274 unit owners have an obligation or responsibility and, after
275 bidding for the related materials, equipment, or services has
276 closed, a list of bids received by the association within the
277 past year. Summaries of bids for materials, equipment, or
278 services which exceed \$500 must be maintained on the website or
279 application for 1 year. In lieu of summaries, complete copies of
280 the bids may be posted.

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

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

286 h. The certification of each director required by s.
287 718.112(2)(d)4.b.

288 i. All contracts or transactions between the association
289 and any director, officer, corporation, firm, or association
290 that is not an affiliated condominium association or any other
291 entity in which an association director is also a director or

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292 officer and financially interested.

293 j. Any contract or document regarding a conflict of
294 interest or possible conflict of interest as provided in ss.
295 468.436(2)(b)6. and 718.3027(3).

296 k. The notice of any unit owner meeting and the agenda for
297 the meeting, as required by s. 718.112(2)(d)3., no later than 14
298 days before the meeting. The notice must be posted in plain view
299 on the front page of the website or application, or on a
300 separate subpage of the website or application labeled "Notices"
301 which is conspicuously visible and linked from the front page.
302 The association must also post on its website or application any
303 document to be considered and voted on by the owners during the
304 meeting or any document listed on the agenda at least 7 days
305 before the meeting at which the document or the information
306 within the document will be considered.

307 1. Notice of any board meeting, the agenda, and any other
308 document required for the meeting as required by s.
309 718.112(2)(c), which must be posted no later than the date
310 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

311 3. The association shall ensure that the information and
312 records described in paragraph (c), which are not allowed to be
313 accessible to unit owners, are not posted on the association's
314 website or application. If protected information or information
315 restricted from being accessible to unit owners is included in
316 documents that are required to be posted on the association's

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317 | website or application, the association shall ensure the
318 | information is redacted before posting the documents ~~online~~.
319 | Notwithstanding the foregoing, the association or its agent is
320 | not liable for disclosing information that is protected or
321 | restricted under ~~pursuant to~~ this paragraph unless such
322 | disclosure was made with a knowing or intentional disregard of
323 | the protected or restricted nature of such information.

324 | 4. The failure of the association to post information
325 | required under subparagraph 2. is not in and of itself
326 | sufficient to invalidate any action or decision of the
327 | association's board or its committees.

328 | Section 4. Section 4. Paragraphs (d), (i), and (p) of
329 | subsection (2) of section 718.112, Florida Statutes, are
330 | amended, and paragraph (c) of subsection (1) is added to that
331 | section, to read:

332 | 718.112 Bylaws.—

333 | (1) GENERALLY.—

334 | (c) Any provision of the declaration, the association
335 | bylaws, or reasonable rules or regulations of the association
336 | which diminish or infringe upon any right protected under the
337 | Fourteenth Amendment to the United States Constitution or s. 2,
338 | Art. I of the State Constitution is void and unenforceable
339 | without further action of the association. The association may
340 | record a notice in the public records of the county in which the
341 | condominium is located evidencing its intention to not enforce

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342 such provision. The failure of the association to record a
343 notice in the public record may not be the basis for liability
344 or evidence of discrimination or a discriminatory intention.

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

348 (d) Unit owner meetings.—

349 1. An annual meeting of the unit owners must be held at
350 the location provided in the association bylaws and, if the
351 bylaws are silent as to the location, the meeting must be held
352 within 45 miles of the condominium property. However, such
353 distance requirement does not apply to an association governing
354 a timeshare condominium.

355 2. Unless the bylaws provide otherwise, a vacancy on the
356 board caused by the expiration of a director's term must be
357 filled by electing a new board member, and the election must be
358 by secret ballot. An election is not required if the number of
359 vacancies equals or exceeds the number of candidates. For
360 purposes of this paragraph, the term "candidate" means an
361 eligible person who has timely submitted the written notice, as
362 described in sub-subparagraph 4.a., of his or her intention to
363 become a candidate. Except in a timeshare or nonresidential
364 condominium, or if the staggered term of a board member does not
365 expire until a later annual meeting, or if all members' terms
366 would otherwise expire but there are no candidates, the terms of

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367 all board members expire at the annual meeting, and such members
368 may stand for reelection unless prohibited by the bylaws. Board
369 members may serve terms longer than 1 year if permitted by the
370 bylaws or articles of incorporation. A board member may not
371 serve more than 8 consecutive years unless approved by an
372 affirmative vote of unit owners representing two-thirds of all
373 votes cast in the election or unless there are not enough
374 eligible candidates to fill the vacancies on the board at the
375 time of the vacancy. Only board service that occurs on or after
376 July 1, 2018, may be used when calculating a board member's term
377 limit. If the number of board members whose terms expire at the
378 annual meeting equals or exceeds the number of candidates, the
379 candidates become members of the board effective upon the
380 adjournment of the annual meeting. Unless the bylaws provide
381 otherwise, any remaining vacancies shall be filled by the
382 affirmative vote of the majority of the directors making up the
383 newly constituted board even if the directors constitute less
384 than a quorum or there is only one director. In a residential
385 condominium association of more than 10 units or in a
386 residential condominium association that does not include
387 timeshare units or timeshare interests, co-owners of a unit may
388 not serve as members of the board of directors at the same time
389 unless they own more than one unit or unless there are not
390 enough eligible candidates to fill the vacancies on the board at
391 the time of the vacancy. A unit owner in a residential

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392 condominium desiring to be a candidate for board membership must
393 comply with sub-subparagraph 4.a. and must be eligible to be a
394 candidate to serve on the board of directors at the time of the
395 deadline for submitting a notice of intent to run in order to
396 have his or her name listed as a proper candidate on the ballot
397 or to serve on the board. A person who has been suspended or
398 removed by the division under this chapter, or who is delinquent
399 in the payment of any monetary obligation due to the
400 association, is not eligible to be a candidate for board
401 membership and may not be listed on the ballot. A person who has
402 been convicted of any felony in this state or in a United States
403 District or Territorial Court, or who has been convicted of any
404 offense in another jurisdiction which would be considered a
405 felony if committed in this state, is not eligible for board
406 membership unless such felon's civil rights have been restored
407 for at least 5 years as of the date such person seeks election
408 to the board. The validity of an action by the board is not
409 affected if it is later determined that a board member is
410 ineligible for board membership due to having been convicted of
411 a felony. This subparagraph does not limit the term of a member
412 of the board of a nonresidential or timeshare condominium.

413 3. The bylaws must provide the method of calling meetings
414 of unit owners, including annual meetings. Written notice of an
415 annual meeting must include an agenda; ~~it must~~ be mailed, hand
416 delivered, or electronically transmitted to each unit owner at

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417 least 14 days before the annual meeting;~~it~~ and ~~must~~ be posted in
418 a conspicuous place on the condominium property at least 14
419 continuous days before the annual meeting. Written notice of a
420 meeting other than an annual meeting must include an agenda; be
421 mailed, hand delivered, or electronically transmitted to each
422 unit owner; and be posted in a conspicuous place on the
423 condominium property in accordance with the minimum period of
424 time for posting a notice as set forth in the bylaws, and if the
425 bylaws do not provide such notice requirements, then at least 14
426 continuous days before the meeting. Upon notice to the unit
427 owners, the board shall, by duly adopted rule, designate a
428 specific location on the condominium property where all notices
429 of unit owner meetings must be posted. This requirement does not
430 apply if there is no condominium property for posting notices.
431 In lieu of, or in addition to, the physical posting of meeting
432 notices, the association may, by reasonable rule, adopt a
433 procedure for conspicuously posting and repeatedly broadcasting
434 the notice and the agenda on a closed-circuit cable television
435 system serving the condominium association. However, if
436 broadcast notice is used in lieu of a notice posted physically
437 on the condominium property, the notice and agenda must be
438 broadcast at least four times every broadcast hour of each day
439 that a posted notice is otherwise required under this section.
440 If broadcast notice is provided, the notice and agenda must be
441 broadcast in a manner and for a sufficient continuous length of

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442 time so as to allow an average reader to observe the notice and
443 read and comprehend the entire content of the notice and the
444 agenda. In addition to any of the authorized means of providing
445 notice of a meeting of the board, the association may, by rule,
446 adopt a procedure for conspicuously posting the meeting notice
447 and the agenda on a website serving the condominium association
448 for at least the minimum period of time for which a notice of a
449 meeting is also required to be physically posted on the
450 condominium property. Any rule adopted shall, in addition to
451 other matters, include a requirement that the association send
452 an electronic notice in the same manner as a notice for a
453 meeting of the members, which must include a hyperlink to the
454 website where the notice is posted, to unit owners whose e-mail
455 addresses are included in the association's official records.
456 Unless a unit owner waives in writing the right to receive
457 notice of the annual meeting, such notice must be hand
458 delivered, mailed, or electronically transmitted to each unit
459 owner. Notice for meetings and notice for all other purposes
460 must be mailed to each unit owner at the address last furnished
461 to the association by the unit owner, or hand delivered to each
462 unit owner. However, if a unit is owned by more than one person,
463 the association must provide notice to the address that the
464 developer identifies for that purpose and thereafter as one or
465 more of the owners of the unit advise the association in
466 writing, or if no address is given or the owners of the unit do

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467 not agree, to the address provided on the deed of record. An
468 officer of the association, or the manager or other person
469 providing notice of the association meeting, must provide an
470 affidavit or United States Postal Service certificate of
471 mailing, to be included in the official records of the
472 association affirming that the notice was mailed or hand
473 delivered in accordance with this provision.

474 4. The members of the board of a residential condominium
475 shall be elected by written ballot or voting machine. Proxies
476 may not be used in electing the board in general elections or
477 elections to fill vacancies caused by recall, resignation, or
478 otherwise, unless otherwise provided in this chapter. This
479 subparagraph does not apply to an association governing a
480 timeshare condominium.

481 a. At least 60 days before a scheduled election, the
482 association shall mail, deliver, or electronically transmit, by
483 separate association mailing or included in another association
484 mailing, delivery, or transmission, including regularly
485 published newsletters, to each unit owner entitled to a vote, a
486 first notice of the date of the election. A unit owner or other
487 eligible person desiring to be a candidate for the board must
488 give written notice of his or her intent to be a candidate to
489 the association at least 40 days before a scheduled election.
490 Together with the written notice and agenda as set forth in
491 subparagraph 3., the association shall mail, deliver, or

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492 electronically transmit a second notice of the election to all
493 unit owners entitled to vote, together with a ballot that lists
494 all candidates not less than 14 days or more than 34 days before
495 the date of the election. Upon request of a candidate, an
496 information sheet, no larger than 8 1/2 inches by 11 inches,
497 which must be furnished by the candidate at least 35 days before
498 the election, must be included with the mailing, delivery, or
499 transmission of the ballot, with the costs of mailing, delivery,
500 or electronic transmission and copying to be borne by the
501 association. The association is not liable for the contents of
502 the information sheets prepared by the candidates. In order to
503 reduce costs, the association may print or duplicate the
504 information sheets on both sides of the paper. The division
505 shall by rule establish voting procedures consistent with this
506 sub-subparagraph, including rules establishing procedures for
507 giving notice by electronic transmission and rules providing for
508 the secrecy of ballots. Elections shall be decided by a
509 plurality of ballots cast. There is no quorum requirement;
510 however, at least 20 percent of the eligible voters must cast a
511 ballot in order to have a valid election. A unit owner may not
512 authorize any other person to vote his or her ballot, and any
513 ballots improperly cast are invalid. A unit owner who violates
514 this provision may be fined by the association in accordance
515 with s. 718.303. A unit owner who needs assistance in casting
516 the ballot for the reasons stated in s. 101.051 may obtain such

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

521 b. Within 90 days after being elected or appointed to the
522 board of an association of a residential condominium, each newly
523 elected or appointed director shall certify in writing to the
524 secretary of the association that he or she has read the
525 association's declaration of condominium, articles of
526 incorporation, bylaws, and current written policies; that he or
527 she will work to uphold such documents and policies to the best
528 of his or her ability; and that he or she will faithfully
529 discharge his or her fiduciary responsibility to the
530 association's members. In lieu of this written certification,
531 within 90 days after being elected or appointed to the board,
532 the newly elected or appointed director may submit a certificate
533 of having satisfactorily completed the educational curriculum
534 administered by a division-approved condominium education
535 provider within 1 year before or 90 days after the date of
536 election or appointment. The written certification or
537 educational certificate is valid and does not have to be
538 resubmitted as long as the director serves on the board without
539 interruption. A director of an association of a residential
540 condominium who fails to timely file the written certification
541 or educational certificate is suspended from service on the

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542 board until he or she complies with this sub-subparagraph. The
543 board may temporarily fill the vacancy during the period of
544 suspension. The secretary shall cause the association to retain
545 a director's written certification or educational certificate
546 for inspection by the members for 5 years after a director's
547 election or the duration of the director's uninterrupted tenure,
548 whichever is longer. Failure to have such written certification
549 or educational certificate on file does not affect the validity
550 of any board action.

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

553 5. Any approval by unit owners called for by this chapter
554 or the applicable declaration or bylaws, including, but not
555 limited to, the approval requirement in s. 718.111(8), must be
556 made at a duly noticed meeting of unit owners and is subject to
557 all requirements of this chapter or the applicable condominium
558 documents relating to unit owner decisionmaking, except that
559 unit owners may take action by written agreement, without
560 meetings, on matters for which action by written agreement
561 without meetings is expressly allowed by the applicable bylaws
562 or declaration or any law that provides for such action.

563 6. Unit owners may waive notice of specific meetings if
564 allowed by the applicable bylaws or declaration or any law.
565 Notice of meetings of the board of administration, unit owner
566 meetings, except unit owner meetings called to recall board

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567 members under paragraph (j), and committee meetings may be given
568 by electronic transmission to unit owners who consent to receive
569 notice by electronic transmission. A unit owner who consents to
570 receiving notices by electronic transmission is solely
571 responsible for removing or bypassing filters that block receipt
572 of mass e-mails ~~emails~~ sent to members on behalf of the
573 association in the course of giving electronic notices.

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

578 8. A unit owner may tape record or videotape a meeting of
579 the unit owners subject to reasonable rules adopted by the
580 division.

581 9. Unless otherwise provided in the bylaws, any vacancy
582 occurring on the board before the expiration of a term may be
583 filled by the affirmative vote of the majority of the remaining
584 directors, even if the remaining directors constitute less than
585 a quorum, or by the sole remaining director. In the alternative,
586 a board may hold an election to fill the vacancy, in which case
587 the election procedures must conform to sub-subparagraph 4.a.
588 unless the association governs 10 units or fewer and has opted
589 out of the statutory election process, in which case the bylaws
590 of the association control. Unless otherwise provided in the
591 bylaws, a board member appointed or elected under this section

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592 shall fill the vacancy for the unexpired term of the seat being
593 filled. Filling vacancies created by recall is governed by
594 paragraph (j) and rules adopted by the division.

595 10. This chapter does not limit the use of general or
596 limited proxies, require the use of general or limited proxies,
597 or require the use of a written ballot or voting machine for any
598 agenda item or election at any meeting of a timeshare
599 condominium association or nonresidential condominium
600 association.

601
602 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
603 association of 10 or fewer units may, by affirmative vote of a
604 majority of the total voting interests, provide for different
605 voting and election procedures in its bylaws, which may be by a
606 proxy specifically delineating the different voting and election
607 procedures. The different voting and election procedures may
608 provide for elections to be conducted by limited or general
609 proxy.

610 (i) Transfer fees.—An association may not ~~ne~~ charge an
611 applicant any fees, except the actual costs of any background
612 check or screening performed ~~shall be made~~ by the association,
613 ~~or any body thereof~~ in connection with the sale, mortgage,
614 lease, sublease, or other transfer of a unit unless the
615 association is required to approve such transfer and a fee for
616 such approval is provided for in the declaration, articles, or

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617 bylaws. Except for the actual costs of any background check or
618 screening performed by the association, any such fee may be
619 preset, but may not ~~in no event may such fee~~ exceed \$100 per
620 applicant other than spouses or parent and dependent child, who
621 ~~husband/wife or parent/dependent child,~~ which are considered one
622 applicant. However, if the lease or sublease is a renewal of a
623 lease or sublease with the same lessee or sublessee, a charge
624 may not ~~no charge shall~~ be made. The foregoing notwithstanding,
625 an association may, if the authority to do so appears in the
626 declaration, articles, or bylaws, require that a prospective
627 lessee place a security deposit, in an amount not to exceed the
628 equivalent of 1 month's rent, into an escrow account maintained
629 by the association. The security deposit shall protect against
630 damages to the common elements or association property. Payment
631 of interest, claims against the deposit, refunds, and disputes
632 under this paragraph shall be handled in the same fashion as
633 provided in part II of chapter 83.

634 ~~(p) Service providers; conflicts of interest. An~~
635 ~~association, which is not a timeshare condominium association,~~
636 ~~may not employ or contract with any service provider that is~~
637 ~~owned or operated by a board member or with any person who has a~~
638 ~~financial relationship with a board member or officer, or a~~
639 ~~relative within the third degree of consanguinity by blood or~~
640 ~~marriage of a board member or officer. This paragraph does not~~
641 ~~apply to a service provider in which a board member or officer,~~

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642 ~~or a relative within the third degree of consanguinity by blood~~
643 ~~or marriage of a board member or officer, owns less than 1~~
644 ~~percent of the equity shares.~~

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

647 718.113 Maintenance; limitation upon improvement; display
648 of flag; hurricane shutters and protection; display of religious
649 decorations.-

650 (8) The Legislature finds that the use of electric
651 vehicles and alternative fuel vehicles conserves and protects
652 the state's environmental resources, provides significant
653 economic savings to drivers, and serves an important public
654 interest. The participation of condominium associations is
655 essential to the state's efforts to conserve and protect the
656 state's environmental resources and provide economic savings to
657 drivers. For purposes of this subsection "alternative fuel" has
658 the same meaning as provided in s. 403.42. For purposes of this
659 section "alternative fuel vehicle" means any motor vehicle, as
660 defined in s. 320.01, that is powered by an alternative fuel or
661 a combination of alternative fuels. Therefore, the installation
662 of an electric vehicle charging station or alternative fuel
663 station shall be governed as follows:

664 (a) A declaration of condominium or restrictive covenant
665 may not prohibit or be enforced so as to prohibit any unit owner
666 from installing an electric vehicle charging station or

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667 alternative fuel station within the boundaries of the unit
668 owner's limited common element or exclusively designated parking
669 area. The board of administration of a condominium association
670 may not prohibit a unit owner from installing an electric
671 vehicle charging station for an electric vehicle, as defined in
672 s. 320.01, or an alternative fuel station for an alternative
673 fuel vehicle within the boundaries of his or her limited common
674 element or exclusively designated parking area. The installation
675 of such charging or fueling stations are subject to the
676 provisions of this subsection.

677 (b) The installation may not cause irreparable damage to
678 the condominium property.

679 (c) The electricity for the electric vehicle charging
680 station or the alternative fuel station must be separately
681 metered or must use an embedded meter and be payable by the unit
682 owner installing such charging station.

683 (d) The supply and storage of the alternative fuel must be
684 paid by the unit owner installing such fuel station.

685 (e) ~~(d)~~ The unit owner who is installing an electric
686 vehicle charging station or an alternative fuel station is
687 responsible for the costs of installation, operation,
688 maintenance, and repair, including, but not limited to, hazard
689 and liability insurance. The association may enforce payment of
690 such costs pursuant to s. 718.116.

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691 (f)~~(e)~~ If the unit owner or his or her successor decides
692 there is no longer a need for the electronic vehicle charging
693 station or alternative fuel station, such person is responsible
694 for the cost of removal of the electronic vehicle charging
695 station or alternative fuel station. The association may enforce
696 payment of such costs pursuant to s. 718.116.

697 (g) The unit owner installing the electronic vehicle
698 charging station or alternative fuel station or his or her
699 successor shall be responsible for complying with all federal,
700 state, or local laws or regulations that apply to the
701 installation, maintenance, or removal of such charging or
702 fueling stations.

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

704 1. Comply with bona fide safety requirements, consistent
705 with applicable building codes or recognized safety standards,
706 for the protection of persons and property.

707 2. Comply with reasonable architectural standards adopted
708 by the association that govern the dimensions, placement, or
709 external appearance of the electric vehicle charging station or
710 alternative fuel station, provided that such standards may not
711 prohibit the installation of such charging or fuel station or
712 substantially increase the cost thereof.

713 3. Engage the services of a licensed and registered
714 electrical contractor or engineer familiar with the installation
715 and core requirements of an electric vehicle charging station,

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716 or licensed engineer familiar with the installation and core
717 requirements of an alternative fuel charging station.

718 4. Provide a certificate of insurance naming the
719 association as an additional insured on the owner's insurance
720 policy for any claim related to the installation, maintenance,
721 or use of the electric vehicle charging station or alternative
722 fuel charging station within 14 days after receiving the
723 association's approval to install such charging or fuel station.

724 5. Reimburse the association for the actual cost of any
725 increased insurance premium amount attributable to the electric
726 vehicle charging station or alternative fuel charging station
727 within 14 days after receiving the association's insurance
728 premium invoice.

729 (i)-(g) The association provides an implied easement across
730 the common elements of the condominium property to the unit
731 owner for purposes of the installation of the electric vehicle
732 charging station or alternative fuel charging station and the
733 furnishing of electrical power, including any necessary
734 equipment, and the storage of any alternative fuel, including
735 any necessary equipment, to such charging or fuel station,
736 subject to the requirements of this subsection.

737 Section 6. Section 6. Subsection (1) and paragraph (b)
738 of subsection (3) of section 718.303, Florida Statutes, are
739 amended to read:

740 718.303 Obligations of owners and occupants; remedies.—

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741 (1) Each unit owner, ~~each~~ tenant and other invitee, and
742 ~~each~~ association is governed by, and must comply with the
743 provisions of, this chapter, the declaration, the documents
744 creating the association, and the association bylaws which are
745 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
746 Actions at law or in equity ~~for damages or for injunctive~~
747 ~~relief~~, or both, for failure to comply with these provisions may
748 be brought by the association or by a unit owner against:

749 (a) The association.

750 (b) A unit owner.

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

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

756 (e) Any tenant leasing a unit, and any other invitee
757 occupying a unit.

758
759 The prevailing party in any such action or in any action in
760 which the purchaser claims a right of voidability based upon
761 contractual provisions as required in s. 718.503(1)(a) is
762 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
763 owner prevailing in an action between the association and the
764 unit owner under this subsection ~~section~~, in addition to
765 recovering his or her reasonable attorney ~~attorney's~~ fees, may

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766 recover additional amounts as determined by the court to be
767 necessary to reimburse the unit owner for his or her share of
768 assessments levied by the association to fund its expenses of
769 the litigation. This relief does not exclude other remedies
770 provided by law. Actions arising under this subsection are not
771 considered ~~may not be deemed to be~~ actions for specific
772 performance.

773 (3) The association may levy reasonable fines for the
774 failure of the owner of the unit or its occupant, licensee, or
775 invitee to comply with any provision of the declaration, the
776 association bylaws, or reasonable rules of the association. A
777 fine may not become a lien against a unit. A fine may be levied
778 by the board on the basis of each day of a continuing violation,
779 with a single notice and opportunity for hearing before a
780 committee as provided in paragraph (b). However, the fine may
781 not exceed \$100 per violation, or \$1,000 in the aggregate.

782 (b) A fine or suspension levied by the board of
783 administration may not be imposed unless the board first
784 provides at least 14 days' written notice to the unit owner and,
785 if applicable, any tenant ~~occupant~~, licensee, or invitee of the
786 unit owner sought to be fined or suspended, and an opportunity
787 for a hearing before a committee of at least three members
788 appointed by the board who are not officers, directors, or
789 employees of the association, or the spouse, parent, child,
790 brother, or sister of an officer, director, or employee. The

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791 role of the committee is limited to determining whether to
792 confirm or reject the fine or suspension levied by the board. If
793 the committee does not approve the proposed fine or suspension
794 by majority vote, the fine or suspension may not be imposed. If
795 the proposed fine or suspension is approved by the committee,
796 the fine payment is due 5 days after notice of the approved fine
797 is provided to the unit owner and, if applicable, to any tenant,
798 licensee, or invitee of the unit owner ~~the date of the committee~~
799 ~~meeting at which the fine is approved.~~ The association must
800 provide written notice of such fine or suspension by mail or
801 hand delivery to the unit owner and, if applicable, to any
802 tenant, licensee, or invitee of the unit owner.

803 Section 7. Section 718.5014, Florida Statutes, is amended
804 to read:

805 718.5014 Ombudsman location.—The ombudsman shall maintain
806 his or her principal office in a Leon County on the premises of
807 ~~the division or, if suitable space cannot be provided there, at~~
808 ~~another~~ place convenient to the offices of the division which
809 will enable the ombudsman to expeditiously carry out the duties
810 and functions of his or her office. The ombudsman may establish
811 branch offices elsewhere in the state upon the concurrence of
812 the Governor.

813 Section 8. Subsection (25) of section 719.103, Florida
814 Statutes, is amended to read:

815 719.103 Definitions.—As used in this chapter:

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816 (25) "Unit" means a part of the cooperative property which
817 is subject to exclusive use and possession. A unit may be
818 improvements, land, or land and improvements together, as
819 specified in the cooperative documents. An interest in a unit is
820 an interest in real property.

821 Section 9. Paragraph (c) of subsection (2) of section
822 719.104, Florida Statutes, is amended to read:

823 719.104 Cooperatives; access to units; records; financial
824 reports; assessments; purchase of leases.—

825 (2) OFFICIAL RECORDS.—

826 (c) The official records of the association are open to
827 inspection by any association member or the authorized
828 representative of such member at all reasonable times. The right
829 to inspect the records includes the right to make or obtain
830 copies, at the reasonable expense, if any, of the association
831 member. The association may adopt reasonable rules regarding the
832 frequency, time, location, notice, and manner of record
833 inspections and copying, but may not require a member to
834 demonstrate any purpose or state any reason for the inspection.

835 The failure of an association to provide the records within 10
836 working days after receipt of a written request creates a
837 rebuttable presumption that the association willfully failed to
838 comply with this paragraph. A member ~~unit-owner~~ who is denied
839 access to official records is entitled to the actual damages or
840 minimum damages for the association's willful failure to comply.

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841 The minimum damages are \$50 per calendar day for up to 10 days,
842 beginning on the 11th working day after receipt of the written
843 request. The failure to permit inspection entitles any person
844 prevailing in an enforcement action to recover reasonable
845 attorney fees from the person in control of the records who,
846 directly or indirectly, knowingly denied access to the records.
847 Any person who knowingly or intentionally defaces or destroys
848 accounting records that are required by this chapter to be
849 maintained during the period for which such records are required
850 to be maintained, or who knowingly or intentionally fails to
851 create or maintain accounting records that are required to be
852 created or maintained, with the intent of causing harm to the
853 association or one or more of its members, is personally subject
854 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
855 association shall maintain an adequate number of copies of the
856 declaration, articles of incorporation, bylaws, and rules, and
857 all amendments to each of the foregoing, as well as the question
858 and answer sheet as described in s. 719.504 and year-end
859 financial information required by the department, on the
860 cooperative property to ensure their availability to members
861 ~~unit owners~~ and prospective purchasers, and may charge its
862 actual costs for preparing and furnishing these documents to
863 those requesting the same. An association shall allow a member
864 or his or her authorized representative to use a portable
865 device, including a smartphone, tablet, portable scanner, or any

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866 other technology capable of scanning or taking photographs, to
867 make an electronic copy of the official records in lieu of the
868 association providing the member or his or her authorized
869 representative with a copy of such records. The association may
870 not charge a member or his or her authorized representative for
871 the use of a portable device. Notwithstanding this paragraph,
872 the following records shall not be accessible to members ~~unit~~
873 ~~owners~~:

874 1. Any record protected by the lawyer-client privilege as
875 described in s. 90.502 and any record protected by the work-
876 product privilege, including any record prepared by an
877 association attorney or prepared at the attorney's express
878 direction which reflects a mental impression, conclusion,
879 litigation strategy, or legal theory of the attorney or the
880 association, and which was prepared exclusively for civil or
881 criminal litigation or for adversarial administrative
882 proceedings, or which was prepared in anticipation of such
883 litigation or proceedings until the conclusion of the litigation
884 or proceedings.

885 2. Information obtained by an association in connection
886 with the approval of the lease, sale, or other transfer of a
887 unit.

888 3. Personnel records of association or management company
889 employees, including, but not limited to, disciplinary, payroll,
890 health, and insurance records. For purposes of this

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891 subparagraph, the term "personnel records" does not include
892 written employment agreements with an association employee or
893 management company, or budgetary or financial records that
894 indicate the compensation paid to an association employee.

895 4. Medical records of unit owners.

896 5. Social security numbers, driver license numbers, credit
897 card numbers, e-mail addresses, telephone numbers, facsimile
898 numbers, emergency contact information, addresses of a unit
899 owner other than as provided to fulfill the association's notice
900 requirements, and other personal identifying information of any
901 person, excluding the person's name, unit designation, mailing
902 address, property address, and any address, e-mail address, or
903 facsimile number provided to the association to fulfill the
904 association's notice requirements. Notwithstanding the
905 restrictions in this subparagraph, an association may print and
906 distribute to unit ~~parcel~~ owners a directory containing the
907 name, unit ~~parcel~~ address, and all telephone numbers of each
908 unit ~~parcel~~ owner. However, an owner may exclude his or her
909 telephone numbers from the directory by so requesting in writing
910 to the association. An owner may consent in writing to the
911 disclosure of other contact information described in this
912 subparagraph. The association is not liable for the inadvertent
913 disclosure of information that is protected under this
914 subparagraph if the information is included in an official
915 record of the association and is voluntarily provided by an

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916 owner and not requested by the association.

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

919 7. The software and operating system used by the
920 association which allow the manipulation of data, even if the
921 owner owns a copy of the same software used by the association.
922 The data is part of the official records of the association.

923 Section 10. Paragraph (b) of subsection (1) of section
924 719.106, Florida Statutes, is amended, and subsection (3) is
925 added to that section, to read:

926 719.106 Bylaws; cooperative ownership.—

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

930 (b) Quorum; voting requirements; proxies.—

931 1. Unless otherwise provided in the bylaws, the percentage
932 of voting interests required to constitute a quorum at a meeting
933 of the members shall be a majority of voting interests, and
934 decisions shall be made by owners of a majority of the voting
935 interests. Unless otherwise provided in this chapter, or in the
936 articles of incorporation, bylaws, or other cooperative
937 documents, and except as provided in subparagraph (d)1.,
938 decisions shall be made by owners of a majority of the voting
939 interests represented at a meeting at which a quorum is present.

940 2. Except as specifically otherwise provided herein, after

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941 January 1, 1992, unit owners may not vote by general proxy, but
942 may vote by limited proxies substantially conforming to a
943 limited proxy form adopted by the division. Limited proxies and
944 general proxies may be used to establish a quorum. Limited
945 proxies shall be used for votes taken to waive or reduce
946 reserves in accordance with subparagraph (j)2., for votes taken
947 to waive the financial reporting requirements of s.
948 719.104(4)(b), for votes taken to amend the articles of
949 incorporation or bylaws pursuant to this section, and for any
950 other matter for which this chapter requires or permits a vote
951 of the unit owners. Except as provided in paragraph (d), after
952 January 1, 1992, no proxy, limited or general, shall be used in
953 the election of board members. General proxies may be used for
954 other matters for which limited proxies are not required, and
955 may also be used in voting for nonsubstantive changes to items
956 for which a limited proxy is required and given. Notwithstanding
957 the provisions of this section, unit owners may vote in person
958 at unit owner meetings. Nothing contained herein shall limit the
959 use of general proxies or require the use of limited proxies or
960 require the use of limited proxies for any agenda item or
961 election at any meeting of a timeshare cooperative.

962 3. Any proxy given shall be effective only for the
963 specific meeting for which originally given and any lawfully
964 adjourned meetings thereof. In no event shall any proxy be valid
965 for a period longer than 90 days after the date of the first

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966 meeting for which it was given. Every proxy shall be revocable
967 at any time at the pleasure of the unit owner executing it.

968 4. A member of the board of administration or a committee
969 may submit in writing his or her agreement or disagreement with
970 any action taken at a meeting that the member did not attend.
971 This agreement or disagreement may not be used as a vote for or
972 against the action taken and may not be used for the purposes of
973 creating a quorum.

974 5. A board or committee member participating in a meeting
975 via telephone, real-time video conferencing, or similar real-
976 time electronic or video communication counts toward a quorum,
977 and such member may vote as if physically present ~~When some or~~
978 ~~all of the board or committee members meet by telephone~~
979 ~~conference, those board or committee members attending by~~
980 ~~telephone conference may be counted toward obtaining a quorum~~
981 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be
982 used ~~utilized~~ so that the conversation of such ~~those board or~~
983 ~~committee members attending by telephone~~ may be heard by the
984 board or committee members attending in person, as well as by
985 any unit owners present at a meeting.

986 (3) GENERALLY.—Any provision of the declaration, the
987 association bylaws, or reasonable rules or regulations of the
988 association which diminish or infringe upon any right protected
989 under the Fourteenth Amendment to the United States Constitution
990 or s. 2, Art. I of the State Constitution is void and

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991 unenforceable without further action of the association. The
992 association may record a notice in the public records of the
993 county in which the cooperative is located evidencing its
994 intention to not enforce such provision. The failure of the
995 association to record a notice in the public record may not be
996 the basis for liability or evidence of discrimination or a
997 discriminatory intention.

998 Section 11. Section 11. Paragraph (1) of subsection (4)
999 of section 720.303, Florida Statutes, is redesignated as
1000 paragraph (m), paragraph (c) of subsection (2) is amended, and a
1001 new paragraph (1) is added to subsection (4) of that section, to
1002 read:

1003 720.303 Association powers and duties; meetings of board;
1004 official records; budgets; financial reporting; association
1005 funds; recalls.—

1006 (2) BOARD MEETINGS.—

1007 (c) The bylaws shall provide the following for giving
1008 notice to parcel owners and members of all board meetings and,
1009 if they do not do so, shall be deemed to include the following:

1010 1. Notices of all board meetings must be posted in a
1011 conspicuous place in the community at least 48 hours in advance
1012 of a meeting, except in an emergency. In the alternative, if
1013 notice is not posted in a conspicuous place in the community,
1014 notice of each board meeting must be mailed or delivered to each
1015 member at least 7 days before the meeting, except in an

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1016 emergency. Notwithstanding this general notice requirement, for
1017 communities with more than 100 members, the association bylaws
1018 may provide for a reasonable alternative to posting or mailing
1019 of notice for each board meeting, including publication of
1020 notice, provision of a schedule of board meetings, or the
1021 conspicuous posting and repeated broadcasting of the notice on a
1022 closed-circuit cable television system serving the homeowners'
1023 association. However, if broadcast notice is used in lieu of a
1024 notice posted physically in the community, the notice must be
1025 broadcast at least four times every broadcast hour of each day
1026 that a posted notice is otherwise required. When broadcast
1027 notice is provided, the notice and agenda must be broadcast in a
1028 manner and for a sufficient continuous length of time so as to
1029 allow an average reader to observe the notice and read and
1030 comprehend the entire content of the notice and the agenda. In
1031 addition to any of the authorized means of providing notice of a
1032 meeting of the board, the association may, by rule, adopt a
1033 procedure for conspicuously posting the meeting notice and the
1034 agenda on the association's website for at least the minimum
1035 period of time for which a notice of a meeting is also required
1036 to be physically posted on the association property. Any rule
1037 adopted shall, in addition to other matters, include a
1038 requirement that the association send an electronic notice in
1039 the same manner as is required for a notice of a meeting of the
1040 members, which must include a hyperlink to the website where the

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1041 notice is posted, to members whose e-mail addresses are included
1042 in the association's official records. The association may
1043 provide notice by electronic transmission in a manner authorized
1044 by law for meetings of the board of directors, committee
1045 meetings requiring notice under this section, and annual and
1046 special meetings of the members to any member who has provided a
1047 facsimile number or e-mail address to the association to be used
1048 for such purposes; however, a member must consent in writing to
1049 receiving notice by electronic transmission.

1050 2. An assessment may not be levied at a board meeting
1051 unless the notice of the meeting includes a statement that
1052 assessments will be considered and the nature of the
1053 assessments. Written notice of any meeting at which special
1054 assessments will be considered or at which amendments to rules
1055 regarding parcel use will be considered must be mailed,
1056 delivered, or electronically transmitted to the members and
1057 parcel owners and posted conspicuously on the property or
1058 broadcast on closed-circuit cable television not less than 14
1059 days before the meeting.

1060 3. Directors may not vote by proxy or by secret ballot at
1061 board meetings, except that secret ballots may be used in the
1062 election of officers. This subsection also applies to the
1063 meetings of any committee or other similar body, when a final
1064 decision will be made regarding the expenditure of association
1065 funds, and to any body vested with the power to approve or

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1066 disapprove architectural decisions with respect to a specific
1067 parcel of residential property owned by a member of the
1068 community.

1069 (4) OFFICIAL RECORDS.—The association shall maintain each
1070 of the following items, when applicable, which constitute the
1071 official records of the association:

1072 (1) Ballots, sign-in sheets, voting proxies, and all other
1073 papers and electronic records relating to voting by parcel
1074 owners, which must be maintained for at least 1 year after the
1075 date of the election, vote, or meeting.

1076 (m) ~~(1)~~ All other ~~written~~ records of the association not
1077 specifically included in this subsection ~~the foregoing~~ which are
1078 related to the operation of the association.

1079 Section 12. Subsections (1) and (2) of section 720.305,
1080 Florida Statutes, are amended to read:

1081 720.305 Obligations of members; remedies at law or in
1082 equity; levy of fines and suspension of use rights.—

1083 (1) Each member and the member's tenants, guests, and
1084 invitees, and each association, are governed by, and must comply
1085 with, this chapter and~~7~~ the governing documents of the
1086 community, ~~and the rules of the association~~. Actions at law or
1087 in equity, or both, to redress alleged failure or refusal to
1088 comply with these provisions may be brought by the association
1089 or by any member against:

1090 (a) The association;

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1091 (b) A member;

1092 (c) Any director or officer of an association who
1093 willfully and knowingly fails to comply with these provisions;
1094 and

1095 (d) Any tenants, guests, or invitees occupying a parcel or
1096 using the common areas.

1097
1098 The prevailing party in any such litigation is entitled to
1099 recover reasonable attorney fees and costs. A member prevailing
1100 in an action between the association and the member under this
1101 section, in addition to recovering his or her reasonable
1102 attorney fees, may recover additional amounts as determined by
1103 the court to be necessary to reimburse the member for his or her
1104 share of assessments levied by the association to fund its
1105 expenses of the litigation. This relief does not exclude other
1106 remedies provided by law. This section does not deprive any
1107 person of any other available right or remedy.

1108 (2) An ~~The~~ association may levy reasonable fines. A fine
1109 may not exceed \$100 per violation against any member or any
1110 member's tenant, guest, or invitee for the failure of the owner
1111 of the parcel or its occupant, licensee, or invitee to comply
1112 with any provision of the declaration, the association bylaws,
1113 or reasonable rules of the association unless otherwise provided
1114 in the governing documents. A fine may be levied by the board
1115 for each day of a continuing violation, with a single notice and

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1116 opportunity for hearing, except that the fine may not exceed
1117 \$1,000 in the aggregate unless otherwise provided in the
1118 governing documents. A fine of less than \$1,000 may not become a
1119 lien against a parcel. In any action to recover a fine, the
1120 prevailing party is entitled to reasonable attorney fees and
1121 costs from the nonprevailing party as determined by the court.

1122 (a) An association may suspend, for a reasonable period of
1123 time, the right of a member, or a member's tenant, guest, or
1124 invitee, to use common areas and facilities for the failure of
1125 the owner of the parcel or its occupant, licensee, or invitee to
1126 comply with any provision of the declaration, the association
1127 bylaws, or reasonable rules of the association. This paragraph
1128 does not apply to that portion of common areas used to provide
1129 access or utility services to the parcel. A suspension may not
1130 prohibit an owner or tenant of a parcel from having vehicular
1131 and pedestrian ingress to and egress from the parcel, including,
1132 but not limited to, the right to park.

1133 (b) A fine or suspension levied by the board of
1134 administration may not be imposed unless the board first
1135 provides at least 14 days' notice to the parcel owner and, if
1136 applicable, any occupant, licensee, or invitee of the parcel
1137 owner, sought to be fined or suspended and an opportunity for a
1138 hearing before a committee of at least three members appointed
1139 by the board who are not officers, directors, or employees of
1140 the association, or the spouse, parent, child, brother, or

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1141 sister of an officer, director, or employee. If the committee,
1142 by majority vote, does not approve a proposed fine or
1143 suspension, the proposed fine or suspension may not be imposed.
1144 The role of the committee is limited to determining whether to
1145 confirm or reject the fine or suspension levied by the board. If
1146 the proposed fine or suspension levied by the board is approved
1147 by the committee, the fine payment is due 5 days after notice of
1148 the approved fine is provided to the parcel owner and, if
1149 applicable, to any occupant, licensee, or invitee of the parcel
1150 owner ~~the date of the committee meeting at which the fine is~~
1151 ~~approved~~. The association must provide written notice of such
1152 fine or suspension by mail or hand delivery to the parcel owner
1153 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
1154 of the parcel owner.

1155 Section 13. Paragraph (g) of subsection (1) of section
1156 720.306, Florida Statutes, is amended to read:

1157 720.306 Meetings of members; voting and election
1158 procedures; amendments.—

1159 (1) QUORUM; AMENDMENTS.—

1160 (g) A notice required under this section must be mailed or
1161 delivered to the address identified as the parcel owner's
1162 mailing address in the official records of the association as
1163 required under s. 720.303(4) ~~on the property appraiser's website~~
1164 ~~for the county in which the parcel is located~~, or electronically
1165 transmitted in a manner authorized by the association if the

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1166 parcel owner has consented, in writing, to receive notice by
1167 electronic transmission.

1168 Section 14. Subsection (6) is added to section 720.3075,
1169 Florida Statutes, to read:

1170 720.3075 Prohibited clauses in association documents.—

1171 (6) Any provision of the declaration, the association
1172 bylaws, or reasonable rules or regulations of the association
1173 which diminish or infringe upon any right protected under the
1174 Fourteenth Amendment to the United States Constitution or s. 2,
1175 Art. I of the State Constitution is void and unenforceable
1176 without further action of the association. The association may
1177 record a notice in the public records of the county in which the
1178 community is located evidencing its intention to not enforce
1179 such provision. The failure of the association to record a
1180 notice in the public record may not be the basis for liability
1181 or evidence of discrimination or a discriminatory intention.

1182 Section 15. This act shall take effect July 1, 2020.

1183

1184

1185 -----

1186 **T I T L E A M E N D M E N T**

1187 Remove everything before the enacting clause and insert:

1188 An act relating to community associations; amending s.

1189 514.0115, F.S.; exempting certain property association

1190 pools from Department of Health regulations; amending

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1191 s. 627.714, F.S.; prohibiting subrogation rights
1192 against a condominium association under certain
1193 circumstances; amending s. 718.111, F.S.; requiring
1194 certain records to be maintained for a specified time;
1195 prohibiting an association from requiring certain
1196 actions related to the inspection of records; revising
1197 requirements relating to certain condominium
1198 associations posting digital copies of certain
1199 documents; amending s. 718.112, F.S.; prohibiting
1200 certain provisions in governing documents; authorizing
1201 the association to record certain notice in the public
1202 record; limiting liability; specifying that only board
1203 service that occurs on or after a specified date may
1204 be used for calculating a board member's term limit;
1205 providing requirements for certain notices;
1206 prohibiting an association from charging certain fees;
1207 providing an exception; deleting a prohibition against
1208 employing or contracting with certain service
1209 providers; amending s. 718.113, F.S.; revising
1210 regulations for electric vehicles; providing that an
1211 association may not prohibit a unit owner from
1212 installing an alternate fuel station; providing
1213 requirements for installing such fuel station amending
1214 s. 718.303, F.S.; revising requirements for certain
1215 actions for failure to comply with specified

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1216 provisions; revising requirements for certain fines;
1217 amending s. 718.5014, F.S.; revising the location of
1218 the principal office of the Office of the Condominium
1219 Ombudsman; amending s. 719.103, F.S.; revising the
1220 definition of the term "unit" to specify that an
1221 interest in a cooperative unit is an interest in real
1222 property; amending s. 719.104, F.S.; prohibiting an
1223 association from requiring certain actions related to
1224 the inspection of records; amending s. 719.106, F.S.;
1225 revising provisions related to a quorum and voting
1226 rights for members remotely participating in meetings;
1227 prohibiting certain provisions in governing documents;
1228 authorizing the association to record certain notice
1229 in the public record; limiting liability; amending s.
1230 720.303, F.S.; authorizing an association to adopt
1231 procedures for electronic meeting notices; revising
1232 the documents that constitute the official records of
1233 an association; amending s. 720.305, F.S.; providing
1234 requirements for certain fines; amending s. 720.306,
1235 F.S.; revising requirements for providing certain
1236 notices; amending s. 720.3075, F.S.; prohibiting
1237 certain provisions in governing documents; authorizing
1238 the association to record certain notice in the public
1239 record; limiting liability; providing an effective
1240 date.

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