

Amendment No.

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WITHDRAWN	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>	

Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
Representative Shoaf offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

514.0115 Exemptions from supervision or regulation;  
variances.—

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

Section 2. Subsection (4) of section 627.714, Florida

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17 Statutes, is amended to read:

18 627.714 Residential condominium unit owner coverage; loss  
19 assessment coverage required.—

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

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

31 718.111 The association.—

32 (12) OFFICIAL RECORDS.—

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

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

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

41 3. A photocopy of the recorded bylaws of the association

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42 and each amendment to the bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

90 12. Ballots, sign-in sheets, voting proxies, and all other  
91 papers and electronic records relating to voting by unit owners,

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92 which must be maintained for 1 year from the date of the  
93 election, vote, or meeting to which the document relates,  
94 notwithstanding paragraph (b).

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

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

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

102 ~~15.16.~~ A copy of the inspection report as described in s.  
103 718.301(4)(p).

104 ~~16.17.~~ Bids for materials, equipment, or services.

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

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

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

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

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

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

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

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

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

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

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

202           d. Medical records of unit owners.

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

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

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

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

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

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

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

239 (II) A website, application, or web portal operated by a  
240 third-party provider with whom the association owns, leases,  
241 rents, or otherwise obtains the right to operate a web page,

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

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

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

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

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

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

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

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267 copy posted pursuant to this sub-subparagraph must be a copy of  
268 the articles of incorporation filed with the Department of  
269 State.

270 d. The rules of the association.

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

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

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

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

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

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

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

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

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

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

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

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

331 718.112 Bylaws.—

332 (1) GENERALLY.—

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

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342 notice in the public record may not be the basis for liability  
343 or evidence of discrimination or a discriminatory intention.

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

347 (d) Unit owner meetings.—

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

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

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

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

412 3. The bylaws must provide the method of calling meetings  
413 of unit owners, including annual meetings. Written notice of an  
414 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
415 delivered, or electronically transmitted to each unit owner at  
416 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in

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

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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442 read and comprehend the entire content of the notice and the  
443 agenda. In addition to any of the authorized means of providing  
444 notice of a meeting of the board, the association may, by rule,  
445 adopt a procedure for conspicuously posting the meeting notice  
446 and the agenda on a website serving the condominium association  
447 for at least the minimum period of time for which a notice of a  
448 meeting is also required to be physically posted on the  
449 condominium property. Any rule adopted shall, in addition to  
450 other matters, include a requirement that the association send  
451 an electronic notice in the same manner as a notice for a  
452 meeting of the members, which must include a hyperlink to the  
453 website where the notice is posted, to unit owners whose e-mail  
454 addresses are included in the association's official records.  
455 Unless a unit owner waives in writing the right to receive  
456 notice of the annual meeting, such notice must be hand  
457 delivered, mailed, or electronically transmitted to each unit  
458 owner. Notice for meetings and notice for all other purposes  
459 must be mailed to each unit owner at the address last furnished  
460 to the association by the unit owner, or hand delivered to each  
461 unit owner. However, if a unit is owned by more than one person,  
462 the association must provide notice to the address that the  
463 developer identifies for that purpose and thereafter as one or  
464 more of the owners of the unit advise the association in  
465 writing, or if no address is given or the owners of the unit do  
466 not agree, to the address provided on the deed of record. An

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467 officer of the association, or the manager or other person  
468 providing notice of the association meeting, must provide an  
469 affidavit or United States Postal Service certificate of  
470 mailing, to be included in the official records of the  
471 association affirming that the notice was mailed or hand  
472 delivered in accordance with this provision.

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

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

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

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

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

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

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

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

562 6. Unit owners may waive notice of specific meetings if  
563 allowed by the applicable bylaws or declaration or any law.  
564 Notice of meetings of the board of administration, unit owner  
565 meetings, except unit owner meetings called to recall board  
566 members under paragraph (j), and committee meetings may be given

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567 by electronic transmission to unit owners who consent to receive  
568 notice by electronic transmission. A unit owner who consents to  
569 receiving notices by electronic transmission is solely  
570 responsible for removing or bypassing filters that block receipt  
571 of mass e-mails ~~emails~~ sent to members on behalf of the  
572 association in the course of giving electronic notices.

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

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

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

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592 filled. Filling vacancies created by recall is governed by  
593 paragraph (j) and rules adopted by the division.

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

600

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

609 (i) Transfer fees.—An association may not ~~no~~ charge an  
610 applicant any fees, except the actual costs of any background  
611 check or screening performed shall be made by the association,  
612 or any body thereof in connection with the sale, mortgage,  
613 lease, sublease, or other transfer of a unit unless the  
614 association is required to approve such transfer and a fee for  
615 such approval is provided for in the declaration, articles, or  
616 bylaws. Except for the actual costs of any background check or

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

633 (k) Alternative Dispute Resolution Arbitration.— There  
634 must shall be a provision for mandatory alternative dispute  
635 resolution ~~nonbinding arbitration~~ as provided for in s. 718.1255  
636 for any residential condominium.

637 ~~(p) Service providers; conflicts of interest. An~~  
638 ~~association, which is not a timeshare condominium association,~~  
639 ~~may not employ or contract with any service provider that is~~  
640 ~~owned or operated by a board member or with any person who has a~~  
641 ~~financial relationship with a board member or officer, or a~~

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642 ~~relative within the third degree of consanguinity by blood or~~  
643 ~~marriage of a board member or officer. This paragraph does not~~  
644 ~~apply to a service provider in which a board member or officer,~~  
645 ~~or a relative within the third degree of consanguinity by blood~~  
646 ~~or marriage of a board member or officer, owns less than 1~~  
647 ~~percent of the equity shares.~~

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

650 718.113 Maintenance; limitation upon improvement; display  
651 of flag; hurricane shutters and protection; display of religious  
652 decorations.-

653 (8) The Legislature finds that the use of electric and  
654 natural gas fuel vehicles conserves and protects the state's  
655 environmental resources, provides significant economic savings  
656 to drivers, and serves an important public interest. The  
657 participation of condominium associations is essential to the  
658 state's efforts to conserve and protect the state's  
659 environmental resources and provide economic savings to drivers.  
660 For purposes of this subsection, the term "natural gas fuel" has  
661 the same meaning as in s. 206.9951(2), and the term "natural gas  
662 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
663 powered by natural gas fuel. Therefore, the installation of an  
664 electric vehicle charging or natural gas fuel station shall be  
665 governed as follows:

666 (a) A declaration of condominium or restrictive covenant

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

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

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

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

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

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692 ~~to~~ s. 718.116.

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

699 (g) The unit owner installing, maintaining, or removing  
700 the electric vehicle charging or natural gas fuel station is  
701 responsible for complying with all federal, state, or local laws  
702 and regulations applicable to such installation, maintenance, or  
703 removal.

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

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

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

714 3. Engage the services of a licensed and registered  
715 ~~electrical contractor or engineer~~ firm familiar with the  
716 installation or removal and core requirements of an electric

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717 vehicle charging or natural gas fuel 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 or natural gas fuel  
722 station within 14 days after receiving the association's  
723 approval to install such charging or fuel station or notice to  
724 provide such a certificate.

725 5. Reimburse the association for the actual cost of any  
726 increased insurance premium amount attributable to the electric  
727 vehicle charging or natural gas fuel station within 14 days  
728 after receiving the association's insurance 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 or natural gas fuel station installation, and the  
733 furnishing of electrical power or natural gas fuel supply,  
734 including any necessary equipment, to such charging or fuel  
735 station, subject to the requirements of this subsection.

736 Section 6. Paragraph (a) of subsection (4) of section  
737 718.1255, Florida Statutes, is amended, new subsection (5) of  
738 that section is created, and subsections (5) and (6) of that  
739 section are renumbered as subsections (6) and (7) to read:

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740 718.1255 Alternative dispute resolution; ~~voluntary~~  
741 mediation; ~~mandatory~~ nonbinding arbitration; legislative  
742 findings.—

743 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF  
744 DISPUTES.—The Division of Florida Condominiums, Timeshares, and  
745 Mobile Homes of the Department of Business and Professional  
746 Regulation may employ full-time attorneys to act as arbitrators  
747 to conduct the arbitration hearings provided by this chapter.  
748 The division may also certify attorneys who are not employed by  
749 the division to act as arbitrators to conduct the arbitration  
750 hearings provided by this chapter. No person may be employed by  
751 the department as a full-time arbitrator unless he or she is a  
752 member in good standing of The Florida Bar. A person may only be  
753 certified by the division to act as an arbitrator if he or she  
754 has been a member in good standing of The Florida Bar for at  
755 least 5 years and has mediated or arbitrated at least 10  
756 disputes involving condominiums in this state during the 3 years  
757 immediately preceding the date of application, mediated or  
758 arbitrated at least 30 disputes in any subject area in this  
759 state during the 3 years immediately preceding the date of  
760 application, or attained board certification in real estate law  
761 or condominium and planned development law from The Florida Bar.  
762 Arbitrator certification is valid for 1 year. An arbitrator who  
763 does not maintain the minimum qualifications for initial  
764 certification may not have his or her certification renewed. The

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765 department may not enter into a legal services contract for an  
766 arbitration hearing under this chapter with an attorney who is  
767 not a certified arbitrator unless a certified arbitrator is not  
768 available within 50 miles of the dispute. The department shall  
769 adopt rules of procedure to govern such arbitration hearings  
770 including mediation incident thereto. The decision of an  
771 arbitrator shall be final; however, a decision shall not be  
772 deemed final agency action. Nothing in this provision shall be  
773 construed to foreclose parties from proceeding in a trial de  
774 novo unless the parties have agreed that the arbitration is  
775 binding. If judicial proceedings are initiated, the final  
776 decision of the arbitrator shall be admissible in evidence in  
777 the trial de novo.

778 (a) Prior to the institution of court litigation, a party  
779 to a dispute shall either petition the division for nonbinding  
780 arbitration or initiate presuit mediation as provided in  
781 subsection (5). Arbitration shall be binding on the parties if  
782 all parties in arbitration agree to be bound in a writing filed  
783 in arbitration. The petition must be accompanied by a filing fee  
784 in the amount of \$50. Filing fees collected under this section  
785 must be used to defray the expenses of the alternative dispute  
786 resolution program.

787 (5) PRESUIT MEDIATION.- In lieu of the initiation of  
788 mandatory nonbinding arbitration set forth in subsections (1)-  
789 (4), a party may submit a dispute to presuit mediation in

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790 accordance with the provisions of s. 720.311. Neither election  
791 nor recall disputes are eligible for mediation; these disputes  
792 must be arbitrated by the division or filed with a court of  
793 competent jurisdiction.

794 Section 7. Subsection (1) and paragraph (b) of subsection  
795 (3) of section 718.303, Florida Statutes, are amended to read:

796 718.303 Obligations of owners and occupants; remedies.—

797 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
798 ~~each~~ association is governed by, and must comply with the  
799 provisions of, this chapter, the declaration, the documents  
800 creating the association, and the association bylaws which are  
801 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
802 Actions at law or in equity ~~for damages or for injunctive~~  
803 ~~relief~~, or both, for failure to comply with these provisions may  
804 be brought by the association or by a unit owner against:

805 (a) The association.

806 (b) A unit owner.

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

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

812 (e) Any tenant leasing a unit, and any other invitee  
813 occupying a unit.

814

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815 The prevailing party in any such action or in any action in  
816 which the purchaser claims a right of voidability based upon  
817 contractual provisions as required in s. 718.503(1)(a) is  
818 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
819 owner prevailing in an action between the association and the  
820 unit owner under this subsection ~~section~~, in addition to  
821 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
822 recover additional amounts as determined by the court to be  
823 necessary to reimburse the unit owner for his or her share of  
824 assessments levied by the association to fund its expenses of  
825 the litigation. This relief does not exclude other remedies  
826 provided by law. Actions arising under this subsection are not  
827 considered ~~may not be deemed to be~~ actions for specific  
828 performance.

829 (3) The association may levy reasonable fines for the  
830 failure of the owner of the unit or its occupant, licensee, or  
831 invitee to comply with any provision of the declaration, the  
832 association bylaws, or reasonable rules of the association. A  
833 fine may not become a lien against a unit. A fine may be levied  
834 by the board on the basis of each day of a continuing violation,  
835 with a single notice and opportunity for hearing before a  
836 committee as provided in paragraph (b). However, the fine may  
837 not exceed \$100 per violation, or \$1,000 in the aggregate.

838 (b) A fine or suspension levied by the board of  
839 administration may not be imposed unless the board first

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840 provides at least 14 days' written notice to the unit owner and,  
841 if applicable, any tenant ~~occupant~~, licensee, or invitee of the  
842 unit owner sought to be fined or suspended, and an opportunity  
843 for a hearing before a committee of at least three members  
844 appointed by the board who are not officers, directors, or  
845 employees of the association, or the spouse, parent, child,  
846 brother, or sister of an officer, director, or employee. The  
847 role of the committee is limited to determining whether to  
848 confirm or reject the fine or suspension levied by the board. If  
849 the committee does not approve the proposed fine or suspension  
850 by majority vote, the fine or suspension may not be imposed. If  
851 the proposed fine or suspension is approved by the committee,  
852 the fine payment is due 5 days after notice of the approved fine  
853 is provided to the unit owner and, if applicable, to any tenant,  
854 licensee, or invitee of the unit owner ~~the date of the committee~~  
855 ~~meeting at which the fine is approved~~. The association must  
856 provide written notice of such fine or suspension by mail or  
857 hand delivery to the unit owner and, if applicable, to any  
858 tenant, licensee, or invitee of the unit owner.

859 Section 8. Section 718.5014, Florida Statutes, is amended  
860 to read:

861 718.5014 Ombudsman location.—The ombudsman shall maintain  
862 his or her principal office in a Leon County ~~on the premises of~~  
863 ~~the division or, if suitable space cannot be provided there, at~~  
864 ~~another~~ place convenient to the offices of the division which

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865 will enable the ombudsman to expeditiously carry out the duties  
866 and functions of his or her office. The ombudsman may establish  
867 branch offices elsewhere in the state upon the concurrence of  
868 the Governor.

869 Section 9. Subsection (25) of section 719.103, Florida  
870 Statutes, is amended to read:

871 719.103 Definitions.—As used in this chapter:

872 (25) "Unit" means a part of the cooperative property which  
873 is subject to exclusive use and possession. A unit may be  
874 improvements, land, or land and improvements together, as  
875 specified in the cooperative documents. An interest in a unit is  
876 an interest in real property.

877 Section 10. Paragraph (c) of subsection (2) of section  
878 719.104, Florida Statutes, is amended to read:

879 719.104 Cooperatives; access to units; records; financial  
880 reports; assessments; purchase of leases.—

881 (2) OFFICIAL RECORDS.—

882 (c) The official records of the association are open to  
883 inspection by any association member or the authorized  
884 representative of such member at all reasonable times. The right  
885 to inspect the records includes the right to make or obtain  
886 copies, at the reasonable expense, if any, of the association  
887 member. The association may adopt reasonable rules regarding the  
888 frequency, time, location, notice, and manner of record  
889 inspections and copying, but may not require a member to

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890 demonstrate any purpose or state any reason for the inspection.  
891 The failure of an association to provide the records within 10  
892 working days after receipt of a written request creates a  
893 rebuttable presumption that the association willfully failed to  
894 comply with this paragraph. A member ~~unit owner~~ who is denied  
895 access to official records is entitled to the actual damages or  
896 minimum damages for the association's willful failure to comply.  
897 The minimum damages are \$50 per calendar day for up to 10 days,  
898 beginning on the 11th working day after receipt of the written  
899 request. The failure to permit inspection entitles any person  
900 prevailing in an enforcement action to recover reasonable  
901 attorney fees from the person in control of the records who,  
902 directly or indirectly, knowingly denied access to the records.  
903 Any person who knowingly or intentionally defaces or destroys  
904 accounting records that are required by this chapter to be  
905 maintained during the period for which such records are required  
906 to be maintained, or who knowingly or intentionally fails to  
907 create or maintain accounting records that are required to be  
908 created or maintained, with the intent of causing harm to the  
909 association or one or more of its members, is personally subject  
910 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
911 association shall maintain an adequate number of copies of the  
912 declaration, articles of incorporation, bylaws, and rules, and  
913 all amendments to each of the foregoing, as well as the question  
914 and answer sheet as described in s. 719.504 and year-end

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915 financial information required by the department, on the  
916 cooperative property to ensure their availability to members  
917 ~~unit owners~~ and prospective purchasers, and may charge its  
918 actual costs for preparing and furnishing these documents to  
919 those requesting the same. An association shall allow a member  
920 or his or her authorized representative to use a portable  
921 device, including a smartphone, tablet, portable scanner, or any  
922 other technology capable of scanning or taking photographs, to  
923 make an electronic copy of the official records in lieu of the  
924 association providing the member or his or her authorized  
925 representative with a copy of such records. The association may  
926 not charge a member or his or her authorized representative for  
927 the use of a portable device. Notwithstanding this paragraph,  
928 the following records shall not be accessible to members ~~unit~~  
929 ~~owners~~:

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

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940 or proceedings.

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

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

951 4. Medical records of unit owners.

952 5. Social security numbers, driver license numbers, credit  
953 card numbers, e-mail addresses, telephone numbers, facsimile  
954 numbers, emergency contact information, addresses of a unit  
955 owner other than as provided to fulfill the association's notice  
956 requirements, and other personal identifying information of any  
957 person, excluding the person's name, unit designation, mailing  
958 address, property address, and any address, e-mail address, or  
959 facsimile number provided to the association to fulfill the  
960 association's notice requirements. Notwithstanding the  
961 restrictions in this subparagraph, an association may print and  
962 distribute to unit ~~parcel~~ owners a directory containing the  
963 name, unit ~~parcel~~ address, and all telephone numbers of each  
964 unit ~~parcel~~ owner. However, an owner may exclude his or her

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965 telephone numbers from the directory by so requesting in writing  
966 to the association. An owner may consent in writing to the  
967 disclosure of other contact information described in this  
968 subparagraph. The association is not liable for the inadvertent  
969 disclosure of information that is protected under this  
970 subparagraph if the information is included in an official  
971 record of the association and is voluntarily provided by an  
972 owner and not requested by the association.

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

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

979 Section 11. Paragraph (b) of subsection (1) of section  
980 719.106, Florida Statutes, is amended, and subsection (3) is  
981 added to that section, to read:

982 719.106 Bylaws; cooperative ownership.—

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

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

987 1. Unless otherwise provided in the bylaws, the percentage  
988 of voting interests required to constitute a quorum at a meeting  
989 of the members shall be a majority of voting interests, and

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990 decisions shall be made by owners of a majority of the voting  
991 interests. Unless otherwise provided in this chapter, or in the  
992 articles of incorporation, bylaws, or other cooperative  
993 documents, and except as provided in subparagraph (d)1.,  
994 decisions shall be made by owners of a majority of the voting  
995 interests represented at a meeting at which a quorum is present.

996 2. Except as specifically otherwise provided herein, after  
997 January 1, 1992, unit owners may not vote by general proxy, but  
998 may vote by limited proxies substantially conforming to a  
999 limited proxy form adopted by the division. Limited proxies and  
1000 general proxies may be used to establish a quorum. Limited  
1001 proxies shall be used for votes taken to waive or reduce  
1002 reserves in accordance with subparagraph (j)2., for votes taken  
1003 to waive the financial reporting requirements of s.

1004 719.104(4)(b), for votes taken to amend the articles of  
1005 incorporation or bylaws pursuant to this section, and for any  
1006 other matter for which this chapter requires or permits a vote  
1007 of the unit owners. Except as provided in paragraph (d), after  
1008 January 1, 1992, no proxy, limited or general, shall be used in  
1009 the election of board members. General proxies may be used for  
1010 other matters for which limited proxies are not required, and  
1011 may also be used in voting for nonsubstantive changes to items  
1012 for which a limited proxy is required and given. Notwithstanding  
1013 the provisions of this section, unit owners may vote in person  
1014 at unit owner meetings. Nothing contained herein shall limit the

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1015 use of general proxies or require the use of limited proxies or  
1016 require the use of limited proxies for any agenda item or  
1017 election at any meeting of a timeshare cooperative.

1018 3. Any proxy given shall be effective only for the  
1019 specific meeting for which originally given and any lawfully  
1020 adjourned meetings thereof. In no event shall any proxy be valid  
1021 for a period longer than 90 days after the date of the first  
1022 meeting for which it was given. Every proxy shall be revocable  
1023 at any time at the pleasure of the unit owner executing it.

1024 4. A member of the board of administration or a committee  
1025 may submit in writing his or her agreement or disagreement with  
1026 any action taken at a meeting that the member did not attend.  
1027 This agreement or disagreement may not be used as a vote for or  
1028 against the action taken and may not be used for the purposes of  
1029 creating a quorum.

1030 5. A board or committee member participating in a meeting  
1031 via telephone, real-time video conferencing, or similar real-  
1032 time electronic or video communication counts toward a quorum,  
1033 and such member may vote as if physically present ~~When some or~~  
1034 ~~all of the board or committee members meet by telephone~~  
1035 ~~conference, those board or committee members attending by~~  
1036 ~~telephone conference may be counted toward obtaining a quorum~~  
1037 ~~and may vote by telephone. A telephone speaker must shall be~~  
1038 used ~~utilized~~ so that the conversation of such ~~these board or~~  
1039 ~~committee members attending by telephone~~ may be heard by the

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1040 board or committee members attending in person, as well as by  
1041 any unit owners present at a meeting.

1042 (3) GENERALLY.—Any provision of the declaration, the  
1043 association bylaws, or reasonable rules or regulations of the  
1044 association which diminish or infringe upon any right protected  
1045 under the Fourteenth Amendment to the United States Constitution  
1046 or s. 2, Art. I of the State Constitution is void and  
1047 unenforceable without further action of the association. The  
1048 association may record a notice in the public records of the  
1049 county in which the cooperative is located evidencing its  
1050 intention to not enforce such provision. The failure of the  
1051 association to record a notice in the public record may not be  
1052 the basis for liability or evidence of discrimination or a  
1053 discriminatory intention.

1054 Section 12. Paragraph (1) of subsection (4) of section  
1055 720.303, Florida Statutes, is redesignated as paragraph (m),  
1056 paragraph (c) of subsection (2) is amended, and a new paragraph  
1057 (1) is added to subsection (4) of that section, to read:

1058 720.303 Association powers and duties; meetings of board;  
1059 official records; budgets; financial reporting; association  
1060 funds; recalls.—

1061 (2) BOARD MEETINGS.—

1062 (c) The bylaws shall provide the following for giving  
1063 notice to parcel owners and members of all board meetings and,  
1064 if they do not do so, shall be deemed to include the following:

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1065 1. Notices of all board meetings must be posted in a  
1066 conspicuous place in the community at least 48 hours in advance  
1067 of a meeting, except in an emergency. In the alternative, if  
1068 notice is not posted in a conspicuous place in the community,  
1069 notice of each board meeting must be mailed or delivered to each  
1070 member at least 7 days before the meeting, except in an  
1071 emergency. Notwithstanding this general notice requirement, for  
1072 communities with more than 100 members, the association bylaws  
1073 may provide for a reasonable alternative to posting or mailing  
1074 of notice for each board meeting, including publication of  
1075 notice, provision of a schedule of board meetings, or the  
1076 conspicuous posting and repeated broadcasting of the notice on a  
1077 closed-circuit cable television system serving the homeowners'  
1078 association. However, if broadcast notice is used in lieu of a  
1079 notice posted physically in the community, the notice must be  
1080 broadcast at least four times every broadcast hour of each day  
1081 that a posted notice is otherwise required. When broadcast  
1082 notice is provided, the notice and agenda must be broadcast in a  
1083 manner and for a sufficient continuous length of time so as to  
1084 allow an average reader to observe the notice and read and  
1085 comprehend the entire content of the notice and the agenda. In  
1086 addition to any of the authorized means of providing notice of a  
1087 meeting of the board, the association may, by rule, adopt a  
1088 procedure for conspicuously posting the meeting notice and the  
1089 agenda on the association's website for at least the minimum

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1090 period of time for which a notice of a meeting is also required  
1091 to be physically posted on the association property. Any rule  
1092 adopted shall, in addition to other matters, include a  
1093 requirement that the association send an electronic notice in  
1094 the same manner as is required for a notice of a meeting of the  
1095 members, which must include a hyperlink to the website where the  
1096 notice is posted, to members whose e-mail addresses are included  
1097 in the association's official records. The association may  
1098 provide notice by electronic transmission in a manner authorized  
1099 by law for meetings of the board of directors, committee  
1100 meetings requiring notice under this section, and annual and  
1101 special meetings of the members to any member who has provided a  
1102 facsimile number or e-mail address to the association to be used  
1103 for such purposes; however, a member must consent in writing to  
1104 receiving notice by electronic transmission.

1105       2. An assessment may not be levied at a board meeting  
1106 unless the notice of the meeting includes a statement that  
1107 assessments will be considered and the nature of the  
1108 assessments. Written notice of any meeting at which special  
1109 assessments will be considered or at which amendments to rules  
1110 regarding parcel use will be considered must be mailed,  
1111 delivered, or electronically transmitted to the members and  
1112 parcel owners and posted conspicuously on the property or  
1113 broadcast on closed-circuit cable television not less than 14  
1114 days before the meeting.

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1115 3. Directors may not vote by proxy or by secret ballot at  
1116 board meetings, except that secret ballots may be used in the  
1117 election of officers. This subsection also applies to the  
1118 meetings of any committee or other similar body, when a final  
1119 decision will be made regarding the expenditure of association  
1120 funds, and to any body vested with the power to approve or  
1121 disapprove architectural decisions with respect to a specific  
1122 parcel of residential property owned by a member of the  
1123 community.

1124 (4) OFFICIAL RECORDS.—The association shall maintain each  
1125 of the following items, when applicable, which constitute the  
1126 official records of the association:

1127 (1) Ballots, sign-in sheets, voting proxies, and all other  
1128 papers and electronic records relating to voting by parcel  
1129 owners, which must be maintained for at least 1 year after the  
1130 date of the election, vote, or meeting.

1131 (m)-(l) All other ~~written~~ records of the association not  
1132 specifically included in this subsection ~~the foregoing~~ which are  
1133 related to the operation of the association.

1134 Section 13. Subsections (1) and (2) of section 720.305,  
1135 Florida Statutes, are amended to read:

1136 720.305 Obligations of members; remedies at law or in  
1137 equity; levy of fines and suspension of use rights.—

1138 (1) Each member and the member's tenants, guests, and  
1139 invitees, and each association, are governed by, and must comply

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1140 with, this chapter ~~and~~ the governing documents of the  
1141 community, ~~and the rules of the association~~. Actions at law or  
1142 in equity, or both, to redress alleged failure or refusal to  
1143 comply with these provisions may be brought by the association  
1144 or by any member against:

1145 (a) The association;

1146 (b) A member;

1147 (c) Any director or officer of an association who  
1148 willfully and knowingly fails to comply with these provisions;  
1149 and

1150 (d) Any tenants, guests, or invitees occupying a parcel or  
1151 using the common areas.

1152  
1153 The prevailing party in any such litigation is entitled to  
1154 recover reasonable attorney fees and costs. A member prevailing  
1155 in an action between the association and the member under this  
1156 section, in addition to recovering his or her reasonable  
1157 attorney fees, may recover additional amounts as determined by  
1158 the court to be necessary to reimburse the member for his or her  
1159 share of assessments levied by the association to fund its  
1160 expenses of the litigation. This relief does not exclude other  
1161 remedies provided by law. This section does not deprive any  
1162 person of any other available right or remedy.

1163 (2) ~~An~~ The association may levy reasonable fines. A fine  
1164 may not exceed \$100 per violation against any member or any

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1165 member's tenant, guest, or invitee for the failure of the owner  
1166 of the parcel or its occupant, licensee, or invitee to comply  
1167 with any provision of the declaration, the association bylaws,  
1168 or reasonable rules of the association unless otherwise provided  
1169 in the governing documents. A fine may be levied by the board  
1170 for each day of a continuing violation, with a single notice and  
1171 opportunity for hearing, except that the fine may not exceed  
1172 \$1,000 in the aggregate unless otherwise provided in the  
1173 governing documents. A fine of less than \$1,000 may not become a  
1174 lien against a parcel. In any action to recover a fine, the  
1175 prevailing party is entitled to reasonable attorney fees and  
1176 costs from the nonprevailing party as determined by the court.

1177 (a) An association may suspend, for a reasonable period of  
1178 time, the right of a member, or a member's tenant, guest, or  
1179 invitee, to use common areas and facilities for the failure of  
1180 the owner of the parcel or its occupant, licensee, or invitee to  
1181 comply with any provision of the declaration, the association  
1182 bylaws, or reasonable rules of the association. This paragraph  
1183 does not apply to that portion of common areas used to provide  
1184 access or utility services to the parcel. A suspension may not  
1185 prohibit an owner or tenant of a parcel from having vehicular  
1186 and pedestrian ingress to and egress from the parcel, including,  
1187 but not limited to, the right to park.

1188 (b) A fine or suspension levied by the board of  
1189 administration may not be imposed unless the board first

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1190 provides at least 14 days' notice to the parcel owner and, if  
1191 applicable, any occupant, licensee, or invitee of the parcel  
1192 owner, sought to be fined or suspended and an opportunity for a  
1193 hearing before a committee of at least three members appointed  
1194 by the board who are not officers, directors, or employees of  
1195 the association, or the spouse, parent, child, brother, or  
1196 sister of an officer, director, or employee. If the committee,  
1197 by majority vote, does not approve a proposed fine or  
1198 suspension, the proposed fine or suspension may not be imposed.  
1199 The role of the committee is limited to determining whether to  
1200 confirm or reject the fine or suspension levied by the board. If  
1201 the proposed fine or suspension levied by the board is approved  
1202 by the committee, the fine payment is due 5 days after notice of  
1203 the approved fine is provided to the parcel owner and, if  
1204 applicable, to any occupant, licensee, or invitee of the parcel  
1205 owner ~~the date of the committee meeting at which the fine is~~  
1206 ~~approved~~. The association must provide written notice of such  
1207 fine or suspension by mail or hand delivery to the parcel owner  
1208 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
1209 of the parcel owner.

1210 Section 14. Paragraph (g) of subsection (1) of section  
1211 720.306, Florida Statutes, is amended to read:

1212 720.306 Meetings of members; voting and election  
1213 procedures; amendments.—

1214 (1) QUORUM; AMENDMENTS.—

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1215 (g) A notice required under this section must be mailed or  
1216 delivered to the address identified as the parcel owner's  
1217 mailing address in the official records of the association as  
1218 required under s. 720.303(4) ~~on the property appraiser's website~~  
1219 ~~for the county in which the parcel is located,~~ or electronically  
1220 transmitted in a manner authorized by the association if the  
1221 parcel owner has consented, in writing, to receive notice by  
1222 electronic transmission.

1223 Section 15. Subsection (6) is added to section 720.3075,  
1224 Florida Statutes, to read:

1225 720.3075 Prohibited clauses in association documents.—

1226 (6) Any provision of the declaration, the association  
1227 bylaws, or reasonable rules or regulations of the association  
1228 which diminish or infringe upon any right protected under the  
1229 Fourteenth Amendment to the United States Constitution or s. 2,  
1230 Art. I of the State Constitution is void and unenforceable  
1231 without further action of the association. The association may  
1232 record a notice in the public records of the county in which the  
1233 community is located evidencing its intention to not enforce  
1234 such provision. The failure of the association to record a  
1235 notice in the public record may not be the basis for liability  
1236 or evidence of discrimination or a discriminatory intention.

1237 Section 16. This act shall take effect July 1, 2020.  
1238  
1239 -----

Amendment No.

**T I T L E   A M E N D M E N T**

1240  
1241           Remove everything before the enacting clause and insert:  
1242 An act relating to community associations; amending s. 514.0115,  
1243 F.S.; exempting certain property association pools from  
1244 Department of Health regulations; amending s. 627.714, F.S.;  
1245 prohibiting subrogation rights against a condominium association  
1246 under certain circumstances; amending s. 718.111, F.S.;  
1247 requiring certain records to be maintained for a specified time;  
1248 prohibiting an association from requiring certain actions  
1249 related to the inspection of records; revising requirements  
1250 relating to certain condominium associations posting digital  
1251 copies of certain documents; amending s. 718.112, F.S.;  
1252 prohibiting certain provisions in governing documents;  
1253 authorizing the association to record certain notice in the  
1254 public record; limiting liability; specifying that only board  
1255 service that occurs on or after a specified date may be used for  
1256 calculating a board member's term limit; providing requirements  
1257 for certain notices; prohibiting an association from charging  
1258 certain fees; providing an exception; requiring a residential  
1259 condominium's governing documents to provide for mandatory  
1260 alternative dispute resolution; deleting a prohibition against  
1261 employing or contracting with certain service providers;  
1262 amending s. 718.113, F.S.; revising regulations for electric  
1263 vehicles; providing definitions; providing that an association  
1264 may not prohibit a unit owner from installing a natural gas fuel

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 623 (2020)

Amendment No.

1265 station; providing requirements for installing such fuel  
1266 station; amending s. 718.1255, F.S.; revising alternative  
1267 dispute resolution requirements; amending s. 718.303, F.S.;  
1268 revising requirements for certain actions for failure to comply  
1269 with specified provisions; revising requirements for certain  
1270 fines; amending s. 718.5014, F.S.; revising the location of the  
1271 principal office of the Office of the Condominium Ombudsman;  
1272 amending s. 719.103, F.S.; revising the definition of the term  
1273 "unit" to specify that an interest in a cooperative unit is an  
1274 interest in real property; amending s. 719.104, F.S.;  
1275 prohibiting an association from requiring certain actions  
1276 related to the inspection of records; amending s. 719.106, F.S.;  
1277 revising provisions related to a quorum and voting rights for  
1278 members remotely participating in meetings; prohibiting certain  
1279 provisions in governing documents; authorizing the association  
1280 to record certain notice in the public record; limiting  
1281 liability; amending s. 720.303, F.S.; authorizing an association  
1282 to adopt procedures for electronic meeting notices; revising the  
1283 documents that constitute the official records of an  
1284 association; amending s. 720.305, F.S.; providing requirements  
1285 for certain fines; amending s. 720.306, F.S.; revising  
1286 requirements for providing certain notices; amending s.  
1287 720.3075, F.S.; prohibiting certain provisions in governing  
1288 documents; authorizing the association to record certain notice

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 623 (2020)

Amendment No.

1289 | in the public record; limiting liability; providing an effective  
1290 | date.