

1                   A bill to be entitled  
2           An act relating to community associations; amending s.  
3           514.0115, F.S.; exempting certain property association  
4           pools from Department of Health regulations; amending  
5           s. 627.714, F.S.; prohibiting subrogation rights  
6           against a condominium association under certain  
7           circumstances; amending s. 718.111, F.S.; requiring  
8           certain records to be maintained for a specified time;  
9           prohibiting an association from requiring certain  
10          actions related to the inspection of records; revising  
11          requirements relating to certain condominium  
12          associations posting digital copies of certain  
13          documents; amending s. 718.112, F.S.; prohibiting  
14          certain provisions in governing documents; authorizing  
15          the association to record certain notice in the public  
16          record; limiting liability; specifying that only board  
17          service that occurs on or after a specified date may  
18          be used for calculating a board member's term limit;  
19          providing requirements for certain notices;  
20          prohibiting an association from charging certain fees;  
21          providing an exception; requiring certain governing  
22          documents to provide for mandatory alternative dispute  
23          resolution instead of arbitration; deleting a  
24          prohibition against employing or contracting with  
25          certain service providers; amending s. 718.113, F.S.;

26 | revising regulations for electric vehicles; providing  
27 | definitions; providing that an association may not  
28 | prohibit a unit owner from installing a natural gas  
29 | fuel station; providing requirements for installing  
30 | such fuel station; amending s. 718.1255, F.S.;  
31 | revising alternative dispute resolution requirements;  
32 | authorizing parties to initiate presuit mediation  
33 | rather than arbitration in certain disputes; amending  
34 | s. 718.303, F.S.; revising requirements for certain  
35 | actions for failure to comply with specified  
36 | provisions; revising requirements for certain fines;  
37 | amending s. 718.5014, F.S.; revising the location of  
38 | the principal office of the Office of the Condominium  
39 | Ombudsman; amending s. 719.103, F.S.; revising the  
40 | definition of the term "unit" to specify that an  
41 | interest in a cooperative unit is an interest in real  
42 | property; amending s. 719.104, F.S.; prohibiting an  
43 | association from requiring certain actions related to  
44 | the inspection of records; amending s. 719.106, F.S.;  
45 | revising provisions related to a quorum and voting  
46 | rights for members remotely participating in meetings;  
47 | prohibiting certain provisions in governing documents;  
48 | authorizing the association to record certain notice  
49 | in the public record; limiting liability; amending s.  
50 | 720.303, F.S.; authorizing an association to adopt

51 procedures for electronic meeting notices; revising  
52 the documents that constitute the official records of  
53 an association; amending s. 720.305, F.S.; providing  
54 requirements for certain fines; amending s. 720.306,  
55 F.S.; revising requirements for providing certain  
56 notices; amending s. 720.3075, F.S.; prohibiting  
57 certain provisions in governing documents; authorizing  
58 the association to record certain notice in the public  
59 record; limiting liability; providing an effective  
60 date.

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
64 Section 1. Paragraph (a) of subsection (2) of section  
65 514.0115, Florida Statutes, is amended to read:

66 514.0115 Exemptions from supervision or regulation;  
67 variances.—

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

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

76           627.714 Residential condominium unit owner coverage; loss  
77 assessment coverage required.—

78           (4) Every individual unit owner's residential property  
79 policy must contain a provision stating that the coverage  
80 afforded by such policy is excess coverage over the amount  
81 recoverable under any other policy covering the same property.  
82 If a condominium association's insurance policy does not provide  
83 rights for subrogation against the unit owners in the  
84 association, an insurance policy issued to an individual unit  
85 owner located in the association may not provide rights of  
86 subrogation against the condominium association.

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

89           718.111 The association.—

90           (12) OFFICIAL RECORDS.—

91           (a) From the inception of the association, the association  
92 shall maintain each of the following items, if applicable, which  
93 constitutes the official records of the association:

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

96           2. A photocopy of the recorded declaration of condominium  
97 of each condominium operated by the association and each  
98 amendment to each declaration.

99           3. A photocopy of the recorded bylaws of the association  
100 and each amendment to the bylaws.

101           4. A certified copy of the articles of incorporation of  
102 the association, or other documents creating the association,  
103 and each amendment thereto.

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

105           6. A book or books that contain the minutes of all  
106 meetings of the association, the board of administration, and  
107 the unit owners.

108           7. A current roster of all unit owners and their mailing  
109 addresses, unit identifications, voting certifications, and, if  
110 known, telephone numbers. The association shall also maintain  
111 the e-mail addresses and facsimile numbers of unit owners  
112 consenting to receive notice by electronic transmission. The e-  
113 mail addresses and facsimile numbers are not accessible to unit  
114 owners if consent to receive notice by electronic transmission  
115 is not provided in accordance with sub-subparagraph (c)3.e.  
116 However, the association is not liable for an inadvertent  
117 disclosure of the e-mail address or facsimile number for  
118 receiving electronic transmission of notices.

119           8. All current insurance policies of the association and  
120 condominiums operated by the association.

121           9. A current copy of any management agreement, lease, or  
122 other contract to which the association is a party or under  
123 which the association or the unit owners have an obligation or  
124 responsibility.

125           10. Bills of sale or transfer for all property owned by

126 | the association.

127 |       11. Accounting records for the association and separate  
 128 | accounting records for each condominium that the association  
 129 | operates. Any person who knowingly or intentionally defaces or  
 130 | destroys such records, or who knowingly or intentionally fails  
 131 | to create or maintain such records, with the intent of causing  
 132 | harm to the association or one or more of its members, is  
 133 | personally subject to a civil penalty pursuant to s.  
 134 | 718.501(1)(d). The accounting records must include, but are not  
 135 | limited to:

136 |       a. Accurate, itemized, and detailed records of all  
 137 | receipts and expenditures.

138 |       b. A current account and a monthly, bimonthly, or  
 139 | quarterly statement of the account for each unit designating the  
 140 | name of the unit owner, the due date and amount of each  
 141 | assessment, the amount paid on the account, and the balance due.

142 |       c. All audits, reviews, accounting statements, and  
 143 | financial reports of the association or condominium.

144 |       d. All contracts for work to be performed. Bids for work  
 145 | to be performed are also considered official records and must be  
 146 | maintained by the association for at least 1 year after receipt  
 147 | of the bid.

148 |       12. Ballots, sign-in sheets, voting proxies, and all other  
 149 | papers and electronic records relating to voting by unit owners,  
 150 | which must be maintained for 1 year from the date of the

151 election, vote, or meeting to which the document relates,  
152 notwithstanding paragraph (b).

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

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

157 ~~15. All other written records of the association not~~  
158 ~~specifically included in the foregoing which are related to the~~  
159 ~~operation of the association.~~

160 ~~15.16.~~ A copy of the inspection report as described in s.  
161 718.301(4)(p).

162 ~~16.17.~~ Bids for materials, equipment, or services.

163 17. All other written records of the association not  
164 specifically included in subparagraphs 1.-16. which are related  
165 to the operation of the association.

166 (b) The official records specified in subparagraphs (a)1.-  
167 6. must be permanently maintained from the inception of the  
168 association. Bids for work to be performed or for materials,  
169 equipment, or services must be maintained for at least 1 year  
170 after receipt of the bid. All other official records must be  
171 maintained within the state for at least 7 years, unless  
172 otherwise provided by general law. The records of the  
173 association shall be made available to a unit owner within 45  
174 miles of the condominium property or within the county in which  
175 the condominium property is located within 10 working days after

176 receipt of a written request by the board or its designee.  
177 However, such distance requirement does not apply to an  
178 association governing a timeshare condominium. This paragraph  
179 may be complied with by having a copy of the official records of  
180 the association available for inspection or copying on the  
181 condominium property or association property, or the association  
182 may offer the option of making the records available to a unit  
183 owner electronically via the Internet or by allowing the records  
184 to be viewed in electronic format on a computer screen and  
185 printed upon request. The association is not responsible for the  
186 use or misuse of the information provided to an association  
187 member or his or her authorized representative in ~~pursuant to~~  
188 ~~the compliance with requirements of~~ this chapter unless the  
189 association has an affirmative duty not to disclose such  
190 information under ~~pursuant to~~ this chapter.

191 (c)1. The official records of the association are open to  
192 inspection by any association member or the authorized  
193 representative of such member at all reasonable times. The right  
194 to inspect the records includes the right to make or obtain  
195 copies, at the reasonable expense, if any, of the member or  
196 authorized representative of such member. A renter of a unit has  
197 a right to inspect and copy the association's bylaws and rules.  
198 The association may adopt reasonable rules regarding the  
199 frequency, time, location, notice, and manner of record  
200 inspections and copying, but may not require a member to

201 demonstrate any purpose or state any reason for the inspection.  
202 The failure of an association to provide the records within 10  
203 working days after receipt of a written request creates a  
204 rebuttable presumption that the association willfully failed to  
205 comply with this paragraph. A unit owner who is denied access to  
206 official records is entitled to the actual damages or minimum  
207 damages for the association's willful failure to comply. Minimum  
208 damages are \$50 per calendar day for up to 10 days, beginning on  
209 the 11th working day after receipt of the written request. The  
210 failure to permit inspection entitles any person prevailing in  
211 an enforcement action to recover reasonable attorney fees from  
212 the person in control of the records who, directly or  
213 indirectly, knowingly denied access to the records.

214 2. Any person who knowingly or intentionally defaces or  
215 destroys accounting records that are required by this chapter to  
216 be maintained during the period for which such records are  
217 required to be maintained, or who knowingly or intentionally  
218 fails to create or maintain accounting records that are required  
219 to be created or maintained, with the intent of causing harm to  
220 the association or one or more of its members, is personally  
221 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

222 3. The association shall maintain an adequate number of  
223 copies of the declaration, articles of incorporation, bylaws,  
224 and rules, and all amendments to each of the foregoing, as well  
225 as the question and answer sheet as described in s. 718.504 and

226 | year-end financial information required under this section, on  
227 | the condominium property to ensure their availability to unit  
228 | owners and prospective purchasers, and may charge its actual  
229 | costs for preparing and furnishing these documents to those  
230 | requesting the documents. An association shall allow a member or  
231 | his or her authorized representative to use a portable device,  
232 | including a smartphone, tablet, portable scanner, or any other  
233 | technology capable of scanning or taking photographs, to make an  
234 | electronic copy of the official records in lieu of the  
235 | association's providing the member or his or her authorized  
236 | representative with a copy of such records. The association may  
237 | not charge a member or his or her authorized representative for  
238 | the use of a portable device. Notwithstanding this paragraph,  
239 | the following records are not accessible to unit owners:

240 |       a. Any record protected by the lawyer-client privilege as  
241 | described in s. 90.502 and any record protected by the work-  
242 | product privilege, including a record prepared by an association  
243 | attorney or prepared at the attorney's express direction, which  
244 | reflects a mental impression, conclusion, litigation strategy,  
245 | or legal theory of the attorney or the association, and which  
246 | was prepared exclusively for civil or criminal litigation or for  
247 | adversarial administrative proceedings, or which was prepared in  
248 | anticipation of such litigation or proceedings until the  
249 | conclusion of the litigation or proceedings.

250 |       b. Information obtained by an association in connection

251 with the approval of the lease, sale, or other transfer of a  
252 unit.

253 c. Personnel records of association or management company  
254 employees, including, but not limited to, disciplinary, payroll,  
255 health, and insurance records. For purposes of this sub-  
256 subparagraph, the term "personnel records" does not include  
257 written employment agreements with an association employee or  
258 management company, or budgetary or financial records that  
259 indicate the compensation paid to an association employee.

260 d. Medical records of unit owners.

261 e. Social security numbers, driver license numbers, credit  
262 card numbers, e-mail addresses, telephone numbers, facsimile  
263 numbers, emergency contact information, addresses of a unit  
264 owner other than as provided to fulfill the association's notice  
265 requirements, and other personal identifying information of any  
266 person, excluding the person's name, unit designation, mailing  
267 address, property address, and any address, e-mail address, or  
268 facsimile number provided to the association to fulfill the  
269 association's notice requirements. Notwithstanding the  
270 restrictions in this sub-subparagraph, an association may print  
271 and distribute to unit ~~parcel~~ owners a directory containing the  
272 name, unit ~~parcel~~ address, and all telephone numbers of each  
273 unit ~~parcel~~ owner. However, an owner may exclude his or her  
274 telephone numbers from the directory by so requesting in writing  
275 to the association. An owner may consent in writing to the

276 disclosure of other contact information described in this sub-  
277 subparagraph. The association is not liable for the inadvertent  
278 disclosure of information that is protected under this sub-  
279 subparagraph if the information is included in an official  
280 record of the association and is voluntarily provided by an  
281 owner and not requested by the association.

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

284 g. The software and operating system used by the  
285 association which allow the manipulation of data, even if the  
286 owner owns a copy of the same software used by the association.  
287 The data is part of the official records of the association.

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

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

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

297 (II) A website, application, or web portal operated by a  
298 third-party provider with whom the association owns, leases,  
299 rents, or otherwise obtains the right to operate a web page,  
300 subpage, web portal, ~~or~~ collection of subpages or web portals,

301 or application which is dedicated to the association's  
302 activities and on which required notices, records, and documents  
303 may be posted or made available by the association.

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

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

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

317 a. The recorded declaration of condominium of each  
318 condominium operated by the association and each amendment to  
319 each declaration.

320 b. The recorded bylaws of the association and each  
321 amendment to the bylaws.

322 c. The articles of incorporation of the association, or  
323 other documents creating the association, and each amendment to  
324 the articles of incorporation or other documents ~~there~~. The  
325 copy posted pursuant to this sub-subparagraph must be a copy of

326 | the articles of incorporation filed with the Department of  
327 | State.

328 |       d. The rules of the association.

329 |       e. A list of all executory contracts or documents to which  
330 | the association is a party or under which the association or the  
331 | unit owners have an obligation or responsibility and, after  
332 | bidding for the related materials, equipment, or services has  
333 | closed, a list of bids received by the association within the  
334 | past year. Summaries of bids for materials, equipment, or  
335 | services which exceed \$500 must be maintained on the website or  
336 | application for 1 year. In lieu of summaries, complete copies of  
337 | the bids may be posted.

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

340 |       g. The financial report required by subsection (13) and  
341 | any monthly income or expense statement to be considered at a  
342 | meeting.

343 |       h. The certification of each director required by s.  
344 | 718.112(2)(d)4.b.

345 |       i. All contracts or transactions between the association  
346 | and any director, officer, corporation, firm, or association  
347 | that is not an affiliated condominium association or any other  
348 | entity in which an association director is also a director or  
349 | officer and financially interested.

350 |       j. Any contract or document regarding a conflict of

351 interest or possible conflict of interest as provided in ss.  
352 468.436(2)(b)6. and 718.3027(3).

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

364 1. Notice of any board meeting, the agenda, and any other  
365 document required for the meeting as required by s.  
366 718.112(2)(c), which must be posted no later than the date  
367 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

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

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

381 4. The failure of the association to post information  
 382 required under subparagraph 2. is not in and of itself  
 383 sufficient to invalidate any action or decision of the  
 384 association's board or its committees.

385 Section 4. Paragraphs (d), (i), (k), and (p) of subsection  
 386 (2) of section 718.112, Florida Statutes, are amended, and  
 387 paragraph (c) of subsection (1) is added to that section, to  
 388 read:

389 718.112 Bylaws.—

390 (1) GENERALLY.—

391 (c) Any provision of the declaration, the association  
 392 bylaws, or reasonable rules or regulations of the association  
 393 which diminish or infringe upon any right protected under the  
 394 Fourteenth Amendment to the United States Constitution or s. 2,  
 395 Art. I of the State Constitution is void and unenforceable  
 396 without further action of the association. The association may  
 397 record a notice in the public records of the county in which the  
 398 condominium is located evidencing its intention to not enforce  
 399 such provision. The failure of the association to record a  
 400 notice in the public record may not be the basis for liability

401 or evidence of discrimination or a discriminatory intention.

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

405 (d) Unit owner meetings.—

406 1. An annual meeting of the unit owners must be held at  
407 the location provided in the association bylaws and, if the  
408 bylaws are silent as to the location, the meeting must be held  
409 within 45 miles of the condominium property. However, such  
410 distance requirement does not apply to an association governing  
411 a timeshare condominium.

412 2. Unless the bylaws provide otherwise, a vacancy on the  
413 board caused by the expiration of a director's term must be  
414 filled by electing a new board member, and the election must be  
415 by secret ballot. An election is not required if the number of  
416 vacancies equals or exceeds the number of candidates. For  
417 purposes of this paragraph, the term "candidate" means an  
418 eligible person who has timely submitted the written notice, as  
419 described in sub-subparagraph 4.a., of his or her intention to  
420 become a candidate. Except in a timeshare or nonresidential  
421 condominium, or if the staggered term of a board member does not  
422 expire until a later annual meeting, or if all members' terms  
423 would otherwise expire but there are no candidates, the terms of  
424 all board members expire at the annual meeting, and such members  
425 may stand for reelection unless prohibited by the bylaws. Board

426 members may serve terms longer than 1 year if permitted by the  
427 bylaws or articles of incorporation. A board member may not  
428 serve more than 8 consecutive years unless approved by an  
429 affirmative vote of unit owners representing two-thirds of all  
430 votes cast in the election or unless there are not enough  
431 eligible candidates to fill the vacancies on the board at the  
432 time of the vacancy. Only board service that occurs on or after  
433 July 1, 2018, may be used when calculating a board member's term  
434 limit. If the number of board members whose terms expire at the  
435 annual meeting equals or exceeds the number of candidates, the  
436 candidates become members of the board effective upon the  
437 adjournment of the annual meeting. Unless the bylaws provide  
438 otherwise, any remaining vacancies shall be filled by the  
439 affirmative vote of the majority of the directors making up the  
440 newly constituted board even if the directors constitute less  
441 than a quorum or there is only one director. In a residential  
442 condominium association of more than 10 units or in a  
443 residential condominium association that does not include  
444 timeshare units or timeshare interests, co-owners of a unit may  
445 not serve as members of the board of directors at the same time  
446 unless they own more than one unit or unless there are not  
447 enough eligible candidates to fill the vacancies on the board at  
448 the time of the vacancy. A unit owner in a residential  
449 condominium desiring to be a candidate for board membership must  
450 comply with sub-subparagraph 4.a. and must be eligible to be a

451 candidate to serve on the board of directors at the time of the  
452 deadline for submitting a notice of intent to run in order to  
453 have his or her name listed as a proper candidate on the ballot  
454 or to serve on the board. A person who has been suspended or  
455 removed by the division under this chapter, or who is delinquent  
456 in the payment of any monetary obligation due to the  
457 association, is not eligible to be a candidate for board  
458 membership and may not be listed on the ballot. A person who has  
459 been convicted of any felony in this state or in a United States  
460 District or Territorial Court, or who has been convicted of any  
461 offense in another jurisdiction which would be considered a  
462 felony if committed in this state, is not eligible for board  
463 membership unless such felon's civil rights have been restored  
464 for at least 5 years as of the date such person seeks election  
465 to the board. The validity of an action by the board is not  
466 affected if it is later determined that a board member is  
467 ineligible for board membership due to having been convicted of  
468 a felony. This subparagraph does not limit the term of a member  
469 of the board of a nonresidential or timeshare condominium.

470 3. The bylaws must provide the method of calling meetings  
471 of unit owners, including annual meetings. Written notice of an  
472 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
473 delivered, or electronically transmitted to each unit owner at  
474 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in  
475 a conspicuous place on the condominium property at least 14

476 | continuous days before the annual meeting. Written notice of a  
477 | meeting other than an annual meeting must include an agenda; be  
478 | mailed, hand delivered, or electronically transmitted to each  
479 | unit owner; and be posted in a conspicuous place on the  
480 | condominium property in accordance with the minimum period of  
481 | time for posting a notice as set forth in the bylaws, and if the  
482 | bylaws do not provide such notice requirements, then at least 14  
483 | continuous days before the meeting. Upon notice to the unit  
484 | owners, the board shall, by duly adopted rule, designate a  
485 | specific location on the condominium property where all notices  
486 | of unit owner meetings must be posted. This requirement does not  
487 | apply if there is no condominium property for posting notices.  
488 | In lieu of, or in addition to, the physical posting of meeting  
489 | notices, the association may, by reasonable rule, adopt a  
490 | procedure for conspicuously posting and repeatedly broadcasting  
491 | the notice and the agenda on a closed-circuit cable television  
492 | system serving the condominium association. However, if  
493 | broadcast notice is used in lieu of a notice posted physically  
494 | on the condominium property, the notice and agenda must be  
495 | broadcast at least four times every broadcast hour of each day  
496 | that a posted notice is otherwise required under this section.  
497 | If broadcast notice is provided, the notice and agenda must be  
498 | broadcast in a manner and for a sufficient continuous length of  
499 | time so as to allow an average reader to observe the notice and  
500 | read and comprehend the entire content of the notice and the

501 agenda. In addition to any of the authorized means of providing  
502 notice of a meeting of the board, the association may, by rule,  
503 adopt a procedure for conspicuously posting the meeting notice  
504 and the agenda on a website serving the condominium association  
505 for at least the minimum period of time for which a notice of a  
506 meeting is also required to be physically posted on the  
507 condominium property. Any rule adopted shall, in addition to  
508 other matters, include a requirement that the association send  
509 an electronic notice in the same manner as a notice for a  
510 meeting of the members, which must include a hyperlink to the  
511 website where the notice is posted, to unit owners whose e-mail  
512 addresses are included in the association's official records.  
513 Unless a unit owner waives in writing the right to receive  
514 notice of the annual meeting, such notice must be hand  
515 delivered, mailed, or electronically transmitted to each unit  
516 owner. Notice for meetings and notice for all other purposes  
517 must be mailed to each unit owner at the address last furnished  
518 to the association by the unit owner, or hand delivered to each  
519 unit owner. However, if a unit is owned by more than one person,  
520 the association must provide notice to the address that the  
521 developer identifies for that purpose and thereafter as one or  
522 more of the owners of the unit advise the association in  
523 writing, or if no address is given or the owners of the unit do  
524 not agree, to the address provided on the deed of record. An  
525 officer of the association, or the manager or other person

526 providing notice of the association meeting, must provide an  
527 affidavit or United States Postal Service certificate of  
528 mailing, to be included in the official records of the  
529 association affirming that the notice was mailed or hand  
530 delivered in accordance with this provision.

531 4. The members of the board of a residential condominium  
532 shall be elected by written ballot or voting machine. Proxies  
533 may not be used in electing the board in general elections or  
534 elections to fill vacancies caused by recall, resignation, or  
535 otherwise, unless otherwise provided in this chapter. This  
536 subparagraph does not apply to an association governing a  
537 timeshare condominium.

538 a. At least 60 days before a scheduled election, the  
539 association shall mail, deliver, or electronically transmit, by  
540 separate association mailing or included in another association  
541 mailing, delivery, or transmission, including regularly  
542 published newsletters, to each unit owner entitled to a vote, a  
543 first notice of the date of the election. A unit owner or other  
544 eligible person desiring to be a candidate for the board must  
545 give written notice of his or her intent to be a candidate to  
546 the association at least 40 days before a scheduled election.  
547 Together with the written notice and agenda as set forth in  
548 subparagraph 3., the association shall mail, deliver, or  
549 electronically transmit a second notice of the election to all  
550 unit owners entitled to vote, together with a ballot that lists

551 all candidates not less than 14 days or more than 34 days before  
552 the date of the election. Upon request of a candidate, an  
553 information sheet, no larger than 8 1/2 inches by 11 inches,  
554 which must be furnished by the candidate at least 35 days before  
555 the election, must be included with the mailing, delivery, or  
556 transmission of the ballot, with the costs of mailing, delivery,  
557 or electronic transmission and copying to be borne by the  
558 association. The association is not liable for the contents of  
559 the information sheets prepared by the candidates. In order to  
560 reduce costs, the association may print or duplicate the  
561 information sheets on both sides of the paper. The division  
562 shall by rule establish voting procedures consistent with this  
563 sub-subparagraph, including rules establishing procedures for  
564 giving notice by electronic transmission and rules providing for  
565 the secrecy of ballots. Elections shall be decided by a  
566 plurality of ballots cast. There is no quorum requirement;  
567 however, at least 20 percent of the eligible voters must cast a  
568 ballot in order to have a valid election. A unit owner may not  
569 authorize any other person to vote his or her ballot, and any  
570 ballots improperly cast are invalid. A unit owner who violates  
571 this provision may be fined by the association in accordance  
572 with s. 718.303. A unit owner who needs assistance in casting  
573 the ballot for the reasons stated in s. 101.051 may obtain such  
574 assistance. The regular election must occur on the date of the  
575 annual meeting. Notwithstanding this sub-subparagraph, an

576 | election is not required unless more candidates file notices of  
577 | intent to run or are nominated than board vacancies exist.

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

601 suspension. The secretary shall cause the association to retain  
602 a director's written certification or educational certificate  
603 for inspection by the members for 5 years after a director's  
604 election or the duration of the director's uninterrupted tenure,  
605 whichever is longer. Failure to have such written certification  
606 or educational certificate on file does not affect the validity  
607 of any board action.

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

610 5. Any approval by unit owners called for by this chapter  
611 or the applicable declaration or bylaws, including, but not  
612 limited to, the approval requirement in s. 718.111(8), must be  
613 made at a duly noticed meeting of unit owners and is subject to  
614 all requirements of this chapter or the applicable condominium  
615 documents relating to unit owner decisionmaking, except that  
616 unit owners may take action by written agreement, without  
617 meetings, on matters for which action by written agreement  
618 without meetings is expressly allowed by the applicable bylaws  
619 or declaration or any law that provides for such action.

620 6. Unit owners may waive notice of specific meetings if  
621 allowed by the applicable bylaws or declaration or any law.  
622 Notice of meetings of the board of administration, unit owner  
623 meetings, except unit owner meetings called to recall board  
624 members under paragraph (j), and committee meetings may be given  
625 by electronic transmission to unit owners who consent to receive

626 notice by electronic transmission. A unit owner who consents to  
627 receiving notices by electronic transmission is solely  
628 responsible for removing or bypassing filters that block receipt  
629 of mass e-mails ~~emails~~ sent to members on behalf of the  
630 association in the course of giving electronic notices.

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

635 8. A unit owner may tape record or videotape a meeting of  
636 the unit owners subject to reasonable rules adopted by the  
637 division.

638 9. Unless otherwise provided in the bylaws, any vacancy  
639 occurring on the board before the expiration of a term may be  
640 filled by the affirmative vote of the majority of the remaining  
641 directors, even if the remaining directors constitute less than  
642 a quorum, or by the sole remaining director. In the alternative,  
643 a board may hold an election to fill the vacancy, in which case  
644 the election procedures must conform to sub-subparagraph 4.a.  
645 unless the association governs 10 units or fewer and has opted  
646 out of the statutory election process, in which case the bylaws  
647 of the association control. Unless otherwise provided in the  
648 bylaws, a board member appointed or elected under this section  
649 shall fill the vacancy for the unexpired term of the seat being  
650 filled. Filling vacancies created by recall is governed by

651 paragraph (j) and rules adopted by the division.

652 10. This chapter does not limit the use of general or  
653 limited proxies, require the use of general or limited proxies,  
654 or require the use of a written ballot or voting machine for any  
655 agenda item or election at any meeting of a timeshare  
656 condominium association or nonresidential condominium  
657 association.

658

659 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
660 association of 10 or fewer units may, by affirmative vote of a  
661 majority of the total voting interests, provide for different  
662 voting and election procedures in its bylaws, which may be by a  
663 proxy specifically delineating the different voting and election  
664 procedures. The different voting and election procedures may  
665 provide for elections to be conducted by limited or general  
666 proxy.

667 (i) Transfer fees.—An association may not ~~ne~~ charge an  
668 applicant any fees, except the actual costs of any background  
669 check or screening performed ~~shall be made~~ by the association,  
670 ~~or any body thereof~~ in connection with the sale, mortgage,  
671 lease, sublease, or other transfer of a unit unless the  
672 association is required to approve such transfer and a fee for  
673 such approval is provided for in the declaration, articles, or  
674 bylaws. Except for the actual costs of any background check or  
675 screening performed by the association, any such fee may be

676 preset, but may not ~~in no event may such fee~~ exceed \$100 per  
677 applicant other than spouses or parent and dependent child, who  
678 ~~husband/wife or parent/dependent child, which~~ are considered one  
679 applicant. However, if the lease or sublease is a renewal of a  
680 lease or sublease with the same lessee or sublessee, a charge  
681 may not ~~no charge shall~~ be made. The foregoing notwithstanding,  
682 an association may, if the authority to do so appears in the  
683 declaration, articles, or bylaws, require that a prospective  
684 lessee place a security deposit, in an amount not to exceed the  
685 equivalent of 1 month's rent, into an escrow account maintained  
686 by the association. The security deposit shall protect against  
687 damages to the common elements or association property. Payment  
688 of interest, claims against the deposit, refunds, and disputes  
689 under this paragraph shall be handled in the same fashion as  
690 provided in part II of chapter 83.

691 (k) Alternative dispute resolution Arbitration.—There must  
692 ~~shall~~ be a provision for mandatory alternative dispute  
693 resolution nonbinding arbitration as provided for in s. 718.1255  
694 for any residential condominium.

695 ~~(p) Service providers; conflicts of interest. An~~  
696 ~~association, which is not a timeshare condominium association,~~  
697 ~~may not employ or contract with any service provider that is~~  
698 ~~owned or operated by a board member or with any person who has a~~  
699 ~~financial relationship with a board member or officer, or a~~  
700 ~~relative within the third degree of consanguinity by blood or~~

701 ~~marriage of a board member or officer. This paragraph does not~~  
702 ~~apply to a service provider in which a board member or officer,~~  
703 ~~or a relative within the third degree of consanguinity by blood~~  
704 ~~or marriage of a board member or officer, owns less than 1~~  
705 ~~percent of the equity shares.~~

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

708 718.113 Maintenance; limitation upon improvement; display  
709 of flag; hurricane shutters and protection; display of religious  
710 decorations.—

711 (8) The Legislature finds that the use of electric and  
712 natural gas fuel vehicles conserves and protects the state's  
713 environmental resources, provides significant economic savings  
714 to drivers, and serves an important public interest. The  
715 participation of condominium associations is essential to the  
716 state's efforts to conserve and protect the state's  
717 environmental resources and provide economic savings to drivers.  
718 For purposes of this subsection, the term "natural gas fuel" has  
719 the same meaning as in s. 206.9951, and the term "natural gas  
720 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
721 that is powered by natural gas fuel. Therefore, the installation  
722 of an electric vehicle charging station or natural gas fuel  
723 station shall be governed as follows:

724 (a) A declaration of condominium or restrictive covenant  
725 may not prohibit or be enforced so as to prohibit any unit owner

726 from installing an electric vehicle charging station or natural  
727 gas fuel station within the boundaries of the unit owner's  
728 limited common element or exclusively designated parking area.  
729 The board of administration of a condominium association may not  
730 prohibit a unit owner from installing an electric vehicle  
731 charging station for an electric vehicle, as defined in s.  
732 320.01, or a natural gas fuel station for a natural gas fuel  
733 vehicle within the boundaries of his or her limited common  
734 element or exclusively designated parking area. The installation  
735 of such charging or fuel stations are subject to the provisions  
736 of this subsection.

737 (b) The installation may not cause irreparable damage to  
738 the condominium property.

739 (c) The electricity for the electric vehicle charging  
740 station or natural gas fuel station must be separately metered  
741 or metered by an embedded meter and payable by the unit owner  
742 installing such charging or fuel station or by his or her  
743 successor.

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

747 (e) ~~(d)~~ The unit owner who is installing an electric  
748 vehicle charging station or natural gas fuel station is  
749 responsible for the costs of installation, operation,  
750 maintenance, and repair, including, but not limited to, hazard

751 and liability insurance. The association may enforce payment of  
752 such costs under ~~pursuant to~~ s. 718.116.

753 (f)-(e) If the unit owner or his or her successor decides  
754 there is no longer a need for the electronic vehicle charging  
755 station or natural gas fuel station, such person is responsible  
756 for the cost of removal of such ~~the electronic vehicle~~ charging  
757 or fuel station. The association may enforce payment of such  
758 costs under ~~pursuant to~~ s. 718.116.

759 (g) The unit owner installing, maintaining, or removing  
760 the electric vehicle charging station or natural gas fuel  
761 station is responsible for complying with all federal, state, or  
762 local laws and regulations applicable to such installation,  
763 maintenance, or removal.

764 (h)-(f) The association may require the unit owner to:

765 1. Comply with bona fide safety requirements, consistent  
766 with applicable building codes or recognized safety standards,  
767 for the protection of persons and property.

768 2. Comply with reasonable architectural standards adopted  
769 by the association that govern the dimensions, placement, or  
770 external appearance of the electric vehicle charging station or  
771 natural gas fuel station, provided that such standards may not  
772 prohibit the installation of such charging or fuel station or  
773 substantially increase the cost thereof.

774 3. Engage the services of a licensed and registered firm  
775 ~~electrical contractor or engineer~~ familiar with the installation

776 or removal and core requirements of an electric vehicle charging  
777 station or natural gas fuel station.

778 4. Provide a certificate of insurance naming the  
779 association as an additional insured on the owner's insurance  
780 policy for any claim related to the installation, maintenance,  
781 or use of the electric vehicle charging station or natural gas  
782 fuel station within 14 days after receiving the association's  
783 approval to install such charging or fuel station or notice to  
784 provide such a certificate.

785 5. Reimburse the association for the actual cost of any  
786 increased insurance premium amount attributable to the electric  
787 vehicle charging station or natural gas fuel station within 14  
788 days after receiving the association's insurance premium  
789 invoice.

790 (i)~~(g)~~ The association provides an implied easement across  
791 the common elements of the condominium property to the unit  
792 owner for purposes of ~~the installation of the~~ electric vehicle  
793 charging station or natural gas fuel station installation, and  
794 the furnishing of electrical power or natural gas fuel supply,  
795 including any necessary equipment, to such charging or fuel  
796 station, subject to the requirements of this subsection.

797 Section 6. Subsections (5) and (6) of section 718.1255,  
798 Florida Statutes, are renumbered as subsections (6) and (7),  
799 respectively, paragraph (a) of subsection (4) of that section is  
800 amended, and a new subsection (5) is added to that section, to

801 read:

802 718.1255 Alternative dispute resolution; ~~voluntary~~  
 803 mediation; ~~mandatory~~ nonbinding arbitration; legislative  
 804 findings.—

805 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF  
 806 DISPUTES.—The Division of Florida Condominiums, Timeshares, and  
 807 Mobile Homes of the Department of Business and Professional  
 808 Regulation may employ full-time attorneys to act as arbitrators  
 809 to conduct the arbitration hearings provided by this chapter.  
 810 The division may also certify attorneys who are not employed by  
 811 the division to act as arbitrators to conduct the arbitration  
 812 hearings provided by this chapter. A ~~No~~ person may not be  
 813 employed by the department as a full-time arbitrator unless he  
 814 or she is a member in good standing of The Florida Bar. A person  
 815 may only be certified by the division to act as an arbitrator if  
 816 he or she has been a member in good standing of The Florida Bar  
 817 for at least 5 years and has mediated or arbitrated at least 10  
 818 disputes involving condominiums in this state during the 3 years  
 819 immediately preceding the date of application, mediated or  
 820 arbitrated at least 30 disputes in any subject area in this  
 821 state during the 3 years immediately preceding the date of  
 822 application, or attained board certification in real estate law  
 823 or condominium and planned development law from The Florida Bar.  
 824 Arbitrator certification is valid for 1 year. An arbitrator who  
 825 does not maintain the minimum qualifications for initial

826 certification may not have his or her certification renewed. The  
827 department may not enter into a legal services contract for an  
828 arbitration hearing under this chapter with an attorney who is  
829 not a certified arbitrator unless a certified arbitrator is not  
830 available within 50 miles of the dispute. The department shall  
831 adopt rules of procedure to govern such arbitration hearings  
832 including mediation incident thereto. The decision of an  
833 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not  
834 ~~be~~ deemed final agency action. Nothing in this provision shall  
835 be construed to foreclose parties from proceeding in a trial de  
836 novo unless the parties have agreed that the arbitration is  
837 binding. If judicial proceedings are initiated, the final  
838 decision of the arbitrator is ~~shall be~~ admissible in evidence in  
839 the trial de novo.

840 (a) Before ~~Prior to~~ the institution of court litigation, a  
841 party to a dispute shall either petition the division for  
842 nonbinding arbitration or initiate presuit mediation as provided  
843 in subsection (5). Arbitration is binding on the parties if all  
844 parties in arbitration agree to be bound in a writing filed in  
845 arbitration. The petition must be accompanied by a filing fee in  
846 the amount of \$50. Filing fees collected under this section must  
847 be used to defray the expenses of the alternative dispute  
848 resolution program.

849 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
850 nonbinding arbitration as set forth in subsections (1)-(4), a

851 party may submit a dispute to presuit mediation in accordance  
852 with s. 720.311. Election and recall disputes are not eligible  
853 for mediation and such disputes must be arbitrated by the  
854 division or filed with a court of competent jurisdiction.

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

857 718.303 Obligations of owners and occupants; remedies.—

858 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
859 ~~each~~ association is governed by, and must comply with the  
860 provisions of, this chapter, the declaration, the documents  
861 creating the association, and the association bylaws which are  
862 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
863 Actions at law or in equity ~~for damages or for injunctive~~  
864 ~~relief~~, or both, for failure to comply with these provisions may  
865 be brought by the association or by a unit owner against:

866 (a) The association.

867 (b) A unit owner.

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

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

873 (e) Any tenant leasing a unit, and any other invitee  
874 occupying a unit.

875

876 The prevailing party in any such action or in any action in  
877 which the purchaser claims a right of voidability based upon  
878 contractual provisions as required in s. 718.503(1)(a) is  
879 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
880 owner prevailing in an action between the association and the  
881 unit owner under this subsection ~~section~~, in addition to  
882 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
883 recover additional amounts as determined by the court to be  
884 necessary to reimburse the unit owner for his or her share of  
885 assessments levied by the association to fund its expenses of  
886 the litigation. This relief does not exclude other remedies  
887 provided by law. Actions arising under this subsection are not  
888 considered ~~may not be deemed to be~~ actions for specific  
889 performance.

890 (3) The association may levy reasonable fines for the  
891 failure of the owner of the unit or its occupant, licensee, or  
892 invitee to comply with any provision of the declaration, the  
893 association bylaws, or reasonable rules of the association. A  
894 fine may not become a lien against a unit. A fine may be levied  
895 by the board on the basis of each day of a continuing violation,  
896 with a single notice and opportunity for hearing before a  
897 committee as provided in paragraph (b). However, the fine may  
898 not exceed \$100 per violation, or \$1,000 in the aggregate.

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

901 provides at least 14 days' written notice to the unit owner and,  
 902 if applicable, any tenant ~~occupant~~, licensee, or invitee of the  
 903 unit owner sought to be fined or suspended, and an opportunity  
 904 for a hearing before a committee of at least three members  
 905 appointed by the board who are not officers, directors, or  
 906 employees of the association, or the spouse, parent, child,  
 907 brother, or sister of an officer, director, or employee. The  
 908 role of the committee is limited to determining whether to  
 909 confirm or reject the fine or suspension levied by the board. If  
 910 the committee does not approve the proposed fine or suspension  
 911 by majority vote, the fine or suspension may not be imposed. If  
 912 the proposed fine or suspension is approved by the committee,  
 913 the fine payment is due 5 days after notice of the approved fine  
 914 is provided to the unit owner and, if applicable, to any tenant,  
 915 licensee, or invitee of the unit owner ~~the date of the committee~~  
 916 ~~meeting at which the fine is approved~~. The association must  
 917 provide written notice of such fine or suspension by mail or  
 918 hand delivery to the unit owner and, if applicable, to any  
 919 tenant, licensee, or invitee of the unit owner.

920 Section 8. Section 718.5014, Florida Statutes, is amended  
 921 to read:

922 718.5014 Ombudsman location.—The ombudsman shall maintain  
 923 his or her principal office in a Leon County ~~on the premises of~~  
 924 ~~the division or, if suitable space cannot be provided there, at~~  
 925 ~~another~~ place convenient to the offices of the division which

926 will enable the ombudsman to expeditiously carry out the duties  
927 and functions of his or her office. The ombudsman may establish  
928 branch offices elsewhere in the state upon the concurrence of  
929 the Governor.

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

932 719.103 Definitions.—As used in this chapter:

933 (25) "Unit" means a part of the cooperative property which  
934 is subject to exclusive use and possession. A unit may be  
935 improvements, land, or land and improvements together, as  
936 specified in the cooperative documents. An interest in a unit is  
937 an interest in real property.

938 Section 10. Paragraph (c) of subsection (2) of section  
939 719.104, Florida Statutes, is amended to read:

940 719.104 Cooperatives; access to units; records; financial  
941 reports; assessments; purchase of leases.—

942 (2) OFFICIAL RECORDS.—

943 (c) The official records of the association are open to  
944 inspection by any association member or the authorized  
945 representative of such member at all reasonable times. The right  
946 to inspect the records includes the right to make or obtain  
947 copies, at the reasonable expense, if any, of the association  
948 member. The association may adopt reasonable rules regarding the  
949 frequency, time, location, notice, and manner of record  
950 inspections and copying, but may not require a member to

951 demonstrate any purpose or state any reason for the inspection.  
952 The failure of an association to provide the records within 10  
953 working days after receipt of a written request creates a  
954 rebuttable presumption that the association willfully failed to  
955 comply with this paragraph. A member ~~unit owner~~ who is denied  
956 access to official records is entitled to the actual damages or  
957 minimum damages for the association's willful failure to comply.  
958 The minimum damages are \$50 per calendar day for up to 10 days,  
959 beginning on the 11th working day after receipt of the written  
960 request. The failure to permit inspection entitles any person  
961 prevailing in an enforcement action to recover reasonable  
962 attorney fees from the person in control of the records who,  
963 directly or indirectly, knowingly denied access to the records.  
964 Any person who knowingly or intentionally defaces or destroys  
965 accounting records that are required by this chapter to be  
966 maintained during the period for which such records are required  
967 to be maintained, or who knowingly or intentionally fails to  
968 create or maintain accounting records that are required to be  
969 created or maintained, with the intent of causing harm to the  
970 association or one or more of its members, is personally subject  
971 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
972 association shall maintain an adequate number of copies of the  
973 declaration, articles of incorporation, bylaws, and rules, and  
974 all amendments to each of the foregoing, as well as the question  
975 and answer sheet as described in s. 719.504 and year-end

976 financial information required by the department, on the  
977 cooperative property to ensure their availability to members  
978 ~~unit owners~~ and prospective purchasers, and may charge its  
979 actual costs for preparing and furnishing these documents to  
980 those requesting the same. An association shall allow a member  
981 or his or her authorized representative to use a portable  
982 device, including a smartphone, tablet, portable scanner, or any  
983 other technology capable of scanning or taking photographs, to  
984 make an electronic copy of the official records in lieu of the  
985 association providing the member or his or her authorized  
986 representative with a copy of such records. The association may  
987 not charge a member or his or her authorized representative for  
988 the use of a portable device. Notwithstanding this paragraph,  
989 the following records shall not be accessible to members ~~unit~~  
990 ~~owners~~:

991 1. Any record protected by the lawyer-client privilege as  
992 described in s. 90.502 and any record protected by the work-  
993 product privilege, including any record prepared by an  
994 association attorney or prepared at the attorney's express  
995 direction which reflects a mental impression, conclusion,  
996 litigation strategy, or legal theory of the attorney or the  
997 association, and which was prepared exclusively for civil or  
998 criminal litigation or for adversarial administrative  
999 proceedings, or which was prepared in anticipation of such  
1000 litigation or proceedings until the conclusion of the litigation

1001 or proceedings.

1002       2. Information obtained by an association in connection

1003 with the approval of the lease, sale, or other transfer of a

1004 unit.

1005       3. Personnel records of association or management company

1006 employees, including, but not limited to, disciplinary, payroll,

1007 health, and insurance records. For purposes of this

1008 subparagraph, the term "personnel records" does not include

1009 written employment agreements with an association employee or

1010 management company, or budgetary or financial records that

1011 indicate the compensation paid to an association employee.

1012       4. Medical records of unit owners.

1013       5. Social security numbers, driver license numbers, credit

1014 card numbers, e-mail addresses, telephone numbers, facsimile

1015 numbers, emergency contact information, addresses of a unit

1016 owner other than as provided to fulfill the association's notice

1017 requirements, and other personal identifying information of any

1018 person, excluding the person's name, unit designation, mailing

1019 address, property address, and any address, e-mail address, or

1020 facsimile number provided to the association to fulfill the

1021 association's notice requirements. Notwithstanding the

1022 restrictions in this subparagraph, an association may print and

1023 distribute to unit ~~parcel~~ owners a directory containing the

1024 name, unit ~~parcel~~ address, and all telephone numbers of each

1025 unit ~~parcel~~ owner. However, an owner may exclude his or her

1026 | telephone numbers from the directory by so requesting in writing  
 1027 | to the association. An owner may consent in writing to the  
 1028 | disclosure of other contact information described in this  
 1029 | subparagraph. The association is not liable for the inadvertent  
 1030 | disclosure of information that is protected under this  
 1031 | subparagraph if the information is included in an official  
 1032 | record of the association and is voluntarily provided by an  
 1033 | owner and not requested by the association.

1034 |         6. Electronic security measures that are used by the  
 1035 | association to safeguard data, including passwords.

1036 |         7. The software and operating system used by the  
 1037 | association which allow the manipulation of data, even if the  
 1038 | owner owns a copy of the same software used by the association.  
 1039 | The data is part of the official records of the association.

1040 |         Section 11. Paragraph (b) of subsection (1) of section  
 1041 | 719.106, Florida Statutes, is amended, and subsection (3) is  
 1042 | added to that section, to read:

1043 |         719.106 Bylaws; cooperative ownership.—

1044 |         (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
 1045 | documents shall provide for the following, and if they do not,  
 1046 | they shall be deemed to include the following:

1047 |         (b) Quorum; voting requirements; proxies.—

1048 |             1. Unless otherwise provided in the bylaws, the percentage  
 1049 | of voting interests required to constitute a quorum at a meeting  
 1050 | of the members shall be a majority of voting interests, and

1051 decisions shall be made by owners of a majority of the voting  
1052 interests. Unless otherwise provided in this chapter, or in the  
1053 articles of incorporation, bylaws, or other cooperative  
1054 documents, and except as provided in subparagraph (d)1.,  
1055 decisions shall be made by owners of a majority of the voting  
1056 interests represented at a meeting at which a quorum is present.

1057 2. Except as specifically otherwise provided herein, after  
1058 January 1, 1992, unit owners may not vote by general proxy, but  
1059 may vote by limited proxies substantially conforming to a  
1060 limited proxy form adopted by the division. Limited proxies and  
1061 general proxies may be used to establish a quorum. Limited  
1062 proxies shall be used for votes taken to waive or reduce  
1063 reserves in accordance with subparagraph (j)2., for votes taken  
1064 to waive the financial reporting requirements of s.

1065 719.104(4)(b), for votes taken to amend the articles of  
1066 incorporation or bylaws pursuant to this section, and for any  
1067 other matter for which this chapter requires or permits a vote  
1068 of the unit owners. Except as provided in paragraph (d), after  
1069 January 1, 1992, no proxy, limited or general, shall be used in  
1070 the election of board members. General proxies may be used for  
1071 other matters for which limited proxies are not required, and  
1072 may also be used in voting for nonsubstantive changes to items  
1073 for which a limited proxy is required and given. Notwithstanding  
1074 the provisions of this section, unit owners may vote in person  
1075 at unit owner meetings. Nothing contained herein shall limit the

1076 use of general proxies or require the use of limited proxies or  
1077 require the use of limited proxies for any agenda item or  
1078 election at any meeting of a timeshare cooperative.

1079 3. Any proxy given shall be effective only for the  
1080 specific meeting for which originally given and any lawfully  
1081 adjourned meetings thereof. In no event shall any proxy be valid  
1082 for a period longer than 90 days after the date of the first  
1083 meeting for which it was given. Every proxy shall be revocable  
1084 at any time at the pleasure of the unit owner executing it.

1085 4. A member of the board of administration or a committee  
1086 may submit in writing his or her agreement or disagreement with  
1087 any action taken at a meeting that the member did not attend.  
1088 This agreement or disagreement may not be used as a vote for or  
1089 against the action taken and may not be used for the purposes of  
1090 creating a quorum.

1091 5. A board or committee member participating in a meeting  
1092 via telephone, real-time video conferencing, or similar real-  
1093 time electronic or video communication counts toward a quorum,  
1094 and such member may vote as if physically present ~~When some or~~  
1095 ~~all of the board or committee members meet by telephone~~  
1096 ~~conference, those board or committee members attending by~~  
1097 ~~telephone conference may be counted toward obtaining a quorum~~  
1098 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
1099 used ~~utilized~~ so that the conversation of such ~~these board or~~  
1100 ~~committee members attending by telephone~~ may be heard by the

1101 board or committee members attending in person, as well as by  
 1102 any unit owners present at a meeting.

1103 (3) GENERALLY.—Any provision of the declaration, the  
 1104 association bylaws, or reasonable rules or regulations of the  
 1105 association which diminish or infringe upon any right protected  
 1106 under the Fourteenth Amendment to the United States Constitution  
 1107 or s. 2, Art. I of the State Constitution is void and  
 1108 unenforceable without further action of the association. The  
 1109 association may record a notice in the public records of the  
 1110 county in which the cooperative is located evidencing its  
 1111 intention to not enforce such provision. The failure of the  
 1112 association to record a notice in the public record may not be  
 1113 the basis for liability or evidence of discrimination or a  
 1114 discriminatory intention.

1115 Section 12. Paragraph (1) of subsection (4) of section  
 1116 720.303, Florida Statutes, is redesignated as paragraph (m),  
 1117 paragraph (c) of subsection (2) is amended, and a new paragraph  
 1118 (1) is added to subsection (4) of that section, to read:

1119 720.303 Association powers and duties; meetings of board;  
 1120 official records; budgets; financial reporting; association  
 1121 funds; recalls.—

1122 (2) BOARD MEETINGS.—

1123 (c) The bylaws shall provide the following for giving  
 1124 notice to parcel owners and members of all board meetings and,  
 1125 if they do not do so, shall be deemed to include the following:

1126 1. Notices of all board meetings must be posted in a  
1127 conspicuous place in the community at least 48 hours in advance  
1128 of a meeting, except in an emergency. In the alternative, if  
1129 notice is not posted in a conspicuous place in the community,  
1130 notice of each board meeting must be mailed or delivered to each  
1131 member at least 7 days before the meeting, except in an  
1132 emergency. Notwithstanding this general notice requirement, for  
1133 communities with more than 100 members, the association bylaws  
1134 may provide for a reasonable alternative to posting or mailing  
1135 of notice for each board meeting, including publication of  
1136 notice, provision of a schedule of board meetings, or the  
1137 conspicuous posting and repeated broadcasting of the notice on a  
1138 closed-circuit cable television system serving the homeowners'  
1139 association. However, if broadcast notice is used in lieu of a  
1140 notice posted physically in the community, the notice must be  
1141 broadcast at least four times every broadcast hour of each day  
1142 that a posted notice is otherwise required. When broadcast  
1143 notice is provided, the notice and agenda must be broadcast in a  
1144 manner and for a sufficient continuous length of time so as to  
1145 allow an average reader to observe the notice and read and  
1146 comprehend the entire content of the notice and the agenda. In  
1147 addition to any of the authorized means of providing notice of a  
1148 meeting of the board, the association may, by rule, adopt a  
1149 procedure for conspicuously posting the meeting notice and the  
1150 agenda on the association's website for at least the minimum

1151 period of time for which a notice of a meeting is also required  
1152 to be physically posted on the association property. Any rule  
1153 adopted shall, in addition to other matters, include a  
1154 requirement that the association send an electronic notice in  
1155 the same manner as is required for a notice of a meeting of the  
1156 members, which must include a hyperlink to the website where the  
1157 notice is posted, to members whose e-mail addresses are included  
1158 in the association's official records. The association may  
1159 provide notice by electronic transmission in a manner authorized  
1160 by law for meetings of the board of directors, committee  
1161 meetings requiring notice under this section, and annual and  
1162 special meetings of the members to any member who has provided a  
1163 facsimile number or e-mail address to the association to be used  
1164 for such purposes; however, a member must consent in writing to  
1165 receiving notice by electronic transmission.

1166 2. An assessment may not be levied at a board meeting  
1167 unless the notice of the meeting includes a statement that  
1168 assessments will be considered and the nature of the  
1169 assessments. Written notice of any meeting at which special  
1170 assessments will be considered or at which amendments to rules  
1171 regarding parcel use will be considered must be mailed,  
1172 delivered, or electronically transmitted to the members and  
1173 parcel owners and posted conspicuously on the property or  
1174 broadcast on closed-circuit cable television not less than 14  
1175 days before the meeting.

1176           3. Directors may not vote by proxy or by secret ballot at  
1177 board meetings, except that secret ballots may be used in the  
1178 election of officers. This subsection also applies to the  
1179 meetings of any committee or other similar body, when a final  
1180 decision will be made regarding the expenditure of association  
1181 funds, and to any body vested with the power to approve or  
1182 disapprove architectural decisions with respect to a specific  
1183 parcel of residential property owned by a member of the  
1184 community.

1185           (4) OFFICIAL RECORDS.—The association shall maintain each  
1186 of the following items, when applicable, which constitute the  
1187 official records of the association:

1188           (1) Ballots, sign-in sheets, voting proxies, and all other  
1189 papers and electronic records relating to voting by parcel  
1190 owners, which must be maintained for at least 1 year after the  
1191 date of the election, vote, or meeting.

1192           (m) ~~(l)~~ All other ~~written~~ records of the association not  
1193 specifically included in this subsection ~~the foregoing~~ which are  
1194 related to the operation of the association.

1195           Section 13. Subsections (1) and (2) of section 720.305,  
1196 Florida Statutes, are amended to read:

1197           720.305 Obligations of members; remedies at law or in  
1198 equity; levy of fines and suspension of use rights.—

1199           (1) Each member and the member's tenants, guests, and  
1200 invitees, and each association, are governed by, and must comply

1201 with, this chapter and, the governing documents of the  
1202 community, ~~and the rules of the association~~. Actions at law or  
1203 in equity, or both, to redress alleged failure or refusal to  
1204 comply with these provisions may be brought by the association  
1205 or by any member against:

1206 (a) The association;

1207 (b) A member;

1208 (c) Any director or officer of an association who  
1209 willfully and knowingly fails to comply with these provisions;  
1210 and

1211 (d) Any tenants, guests, or invitees occupying a parcel or  
1212 using the common areas.

1213

1214 The prevailing party in any such litigation is entitled to  
1215 recover reasonable attorney fees and costs. A member prevailing  
1216 in an action between the association and the member under this  
1217 section, in addition to recovering his or her reasonable  
1218 attorney fees, may recover additional amounts as determined by  
1219 the court to be necessary to reimburse the member for his or her  
1220 share of assessments levied by the association to fund its  
1221 expenses of the litigation. This relief does not exclude other  
1222 remedies provided by law. This section does not deprive any  
1223 person of any other available right or remedy.

1224 (2) An ~~The~~ association may levy reasonable fines. A fine  
1225 may not exceed \$100 per violation against any member or any

1226 member's tenant, guest, or invitee for the failure of the owner  
1227 of the parcel or its occupant, licensee, or invitee to comply  
1228 with any provision of the declaration, the association bylaws,  
1229 or reasonable rules of the association unless otherwise provided  
1230 in the governing documents. A fine may be levied by the board  
1231 for each day of a continuing violation, with a single notice and  
1232 opportunity for hearing, except that the fine may not exceed  
1233 \$1,000 in the aggregate unless otherwise provided in the  
1234 governing documents. A fine of less than \$1,000 may not become a  
1235 lien against a parcel. In any action to recover a fine, the  
1236 prevailing party is entitled to reasonable attorney fees and  
1237 costs from the nonprevailing party as determined by the court.

1238 (a) An association may suspend, for a reasonable period of  
1239 time, the right of a member, or a member's tenant, guest, or  
1240 invitee, to use common areas and facilities for the failure of  
1241 the owner of the parcel or its occupant, licensee, or invitee to  
1242 comply with any provision of the declaration, the association  
1243 bylaws, or reasonable rules of the association. This paragraph  
1244 does not apply to that portion of common areas used to provide  
1245 access or utility services to the parcel. A suspension may not  
1246 prohibit an owner or tenant of a parcel from having vehicular  
1247 and pedestrian ingress to and egress from the parcel, including,  
1248 but not limited to, the right to park.

1249 (b) A fine or suspension levied by the board of  
1250 administration may not be imposed unless the board first

1251 provides at least 14 days' notice to the parcel owner and, if  
1252 applicable, any occupant, licensee, or invitee of the parcel  
1253 owner, sought to be fined or suspended and an opportunity for a  
1254 hearing before a committee of at least three members appointed  
1255 by the board who are not officers, directors, or employees of  
1256 the association, or the spouse, parent, child, brother, or  
1257 sister of an officer, director, or employee. If the committee,  
1258 by majority vote, does not approve a proposed fine or  
1259 suspension, the proposed fine or suspension may not be imposed.  
1260 The role of the committee is limited to determining whether to  
1261 confirm or reject the fine or suspension levied by the board. If  
1262 the proposed fine or suspension levied by the board is approved  
1263 by the committee, the fine payment is due 5 days after notice of  
1264 the approved fine is provided to the parcel owner and, if  
1265 applicable, to any occupant, licensee, or invitee of the parcel  
1266 owner ~~the date of the committee meeting at which the fine is~~  
1267 ~~approved.~~ The association must provide written notice of such  
1268 fine or suspension by mail or hand delivery to the parcel owner  
1269 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
1270 of the parcel owner.

1271 Section 14. Paragraph (g) of subsection (1) of section  
1272 720.306, Florida Statutes, is amended to read:

1273 720.306 Meetings of members; voting and election  
1274 procedures; amendments.—

1275 (1) QUORUM; AMENDMENTS.—

1276 (g) A notice required under this section must be mailed or  
 1277 delivered to the address identified as the parcel owner's  
 1278 mailing address in the official records of the association as  
 1279 required under s. 720.303(4) ~~on the property appraiser's website~~  
 1280 ~~for the county in which the parcel is located,~~ or electronically  
 1281 transmitted in a manner authorized by the association if the  
 1282 parcel owner has consented, in writing, to receive notice by  
 1283 electronic transmission.

1284 Section 15. Subsection (6) is added to section 720.3075,  
 1285 Florida Statutes, to read:

1286 720.3075 Prohibited clauses in association documents.—

1287 (6) Any provision of the declaration, the association  
 1288 bylaws, or reasonable rules or regulations of the association  
 1289 which diminish or infringe upon any right protected under the  
 1290 Fourteenth Amendment to the United States Constitution or s. 2,  
 1291 Art. I of the State Constitution is void and unenforceable  
 1292 without further action of the association. The association may  
 1293 record a notice in the public records of the county in which the  
 1294 community is located evidencing its intention to not enforce  
 1295 such provision. The failure of the association to record a  
 1296 notice in the public record may not be the basis for liability  
 1297 or evidence of discrimination or a discriminatory intention.

1298 Section 16. This act shall take effect July 1, 2020.