

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. 553.77, F.S.; conforming cross references; amending  
6           s. 627.714, F.S.; prohibiting subrogation rights  
7           against a condominium association under certain  
8           circumstances; creating s. 712.065, F.S.; defining the  
9           term "discriminatory restriction"; providing that  
10          discriminatory restrictions are unlawful,  
11          unenforceable, and void; providing that discriminatory  
12          restrictions are extinguished and severed from  
13          recorded title transactions; specifying that the  
14          recording of certain notices does not reimpose or  
15          preserve a discriminatory restriction; providing  
16          requirements for a parcel owner to remove a  
17          discriminatory restriction from a covenant or  
18          restriction; amending s. 718.111, F.S.; requiring that  
19          certain records be maintained for a specified time;  
20          requiring associations to maintain official records in  
21          a specified manner; requiring an association to  
22          provide a checklist or affidavit relating to certain  
23          records to certain persons; requiring such checklist  
24          or affidavit to be maintained for a time certain;  
25          creating a rebuttable presumption; prohibiting an

26 association from requiring certain actions relating to  
27 the inspection of records; revising requirements  
28 relating to the posting of digital copies of certain  
29 documents by certain condominium associations;  
30 amending s. 718.112, F.S.; authorizing a condominium  
31 association to extinguish discriminatory restrictions;  
32 revising calculation of a board member's term limit;  
33 providing requirements for certain notices; revising  
34 the fees an association may charge for transfers;  
35 deleting a prohibition against employing or  
36 contracting with certain service providers; amending  
37 s. 718.113, F.S.; defining the terms "natural gas  
38 fuel" and "natural gas fuel vehicle"; revising  
39 legislative findings; revising requirements for  
40 electric vehicle charging stations; providing  
41 requirements for the installation of natural gas fuel  
42 stations on property governed by condominium  
43 associations; amending s. 718.117, F.S.; conforming  
44 provisions to changes made by the act; amending s.  
45 718.121, F.S.; providing when the installation of a  
46 natural gas fuel station may be the basis of a lien;  
47 amending s. 718.1255, F.S.; authorizing parties to  
48 initiate presuit mediation under certain  
49 circumstances; specifying when arbitration is binding  
50 on the parties; providing requirements for presuit

51 mediation; amending s. 718.202, F.S.; revising use of  
52 certain withdrawn escrow funds by developers; amending  
53 s. 718.303, F.S.; revising requirements for certain  
54 actions for failure to comply with specified  
55 provisions; revising requirements for certain fines;  
56 amending s. 718.501, F.S.; defining the term  
57 "financial issue"; authorizing the Division of  
58 Condominiums, Timeshares, and Mobile Homes to adopt  
59 rules; amending s. 718.5014, F.S.; revising where the  
60 principal office of the Office of the Condominium  
61 Ombudsman must be maintained; amending s. 719.103,  
62 F.S.; revising the definition of the term "unit" to  
63 specify that an interest in a cooperative unit is an  
64 interest in real property; amending s. 719.104, F.S.;  
65 prohibiting an association from requiring certain  
66 actions relating to the inspection of records;  
67 amending s. 719.106, F.S.; revising provisions  
68 relating to a quorum and voting rights for members  
69 remotely participating in meetings; amending procedure  
70 to challenge a board member recall; authorizing  
71 cooperative associations to extinguish discriminatory  
72 restrictions; amending s. 720.303, F.S.; authorizing  
73 an association to adopt procedures for electronic  
74 meeting notices; revising the documents that  
75 constitute the official records of an association;

76 revising when a specified statement must be included  
77 in an association's financial report; revising  
78 requirements for such statement; revising when an  
79 association is deemed to have provided for reserve  
80 accounts; amending procedure to challenge a board  
81 member recall; amending s. 720.304, F.S.; authorizing  
82 a homeowner to display certain flags; amending s.  
83 720.305, F.S.; providing requirements for certain  
84 fines; amending s. 720.306, F.S.; revising  
85 requirements for providing certain notices; providing  
86 limitations on associations when a parcel owner  
87 attempts to rent or lease his or her parcel; amending  
88 the procedure for election disputes; amending s.  
89 720.311, F.S.; amending the procedure for election  
90 disputes; amending s. 720.3075, F.S.; authorizing  
91 homeowners' associations to extinguish discriminatory  
92 restrictions; providing an effective date.

93  
94 Be It Enacted by the Legislature of the State of Florida:

95  
96 Section 1. Subsections (3) through (7) of section  
97 514.0115, Florida Statutes, are renumbered as subsections (4)  
98 through (8), respectively, and a new subsection (3) is added to  
99 that section, to read:

100 514.0115 Exemptions from supervision or regulation;

101 | variances.—

102 |       (3) Pools serving homeowners' associations and other  
 103 | property associations which have no more than 32 units or  
 104 | parcels and which are not operated as public lodging  
 105 | establishments are exempt from supervision under this chapter,  
 106 | except for water quality and ss. 514.0315, 514.05, and 514.06.

107 |       Section 2. Subsection (7) of section 553.77, Florida  
 108 | Statutes, is amended to read:

109 |       553.77 Specific powers of the commission.—

110 |       (7) Building officials shall recognize and enforce  
 111 | variance orders issued by the Department of Health under s.  
 112 | 514.0115(8) pursuant to s. 514.0115(7), including any conditions  
 113 | attached to the granting of the variance.

114 |       Section 3. Subsection (4) of section 627.714, Florida  
 115 | Statutes, is amended to read:

116 |       627.714 Residential condominium unit owner coverage; loss  
 117 | assessment coverage required.—

118 |       (4) Every individual unit owner's residential property  
 119 | policy must contain a provision stating that the coverage  
 120 | afforded by such policy is excess coverage over the amount  
 121 | recoverable under any other policy covering the same property.  
 122 | If a condominium association's insurance policy does not provide  
 123 | rights for subrogation against the unit owners in the  
 124 | association, an insurance policy issued to an individual unit  
 125 | owner located in the association may not provide rights of

126 subrogation against the condominium association.

127 Section 4. Section 712.065, Florida Statutes, is created  
128 to read:

129 712.065 Extinguishment of discriminatory restrictions.—

130 (1) As used in this section, the term "discriminatory  
131 restriction" means a provision in a title transaction recorded  
132 in the state which restricts the ownership, occupancy, or use of  
133 any real property in this state by any natural person on the  
134 basis of a characteristic that has been held, or is held after  
135 July 1, 2020, by the United States Supreme Court or the Florida  
136 Supreme Court to be protected against discrimination under the  
137 Fourteenth Amendment to the United States Constitution or under  
138 s. 2, Art. I of the State Constitution, including race, color,  
139 national origin, religion, gender, or physical disability.

140 (2) A discriminatory restriction is not enforceable in the  
141 state, and a discriminatory restriction contained in a title  
142 transaction recorded in the state is unlawful, unenforceable,  
143 and void. A discriminatory restriction contained in a previously  
144 recorded title transaction is extinguished and severed from the  
145 recorded title transaction and the remainder of the title  
146 transaction remains enforceable and effective. The recording of  
147 a notice preserving or protecting interests or rights under s.  
148 712.06 does not reimpose or preserve a discriminatory  
149 restriction that is extinguished under this section.

150 (3) Upon request of a parcel owner, a discriminatory

151 restriction appearing in a covenant or restriction affecting the  
152 parcel may be removed from the covenant or restriction by an  
153 amendment approved by a majority vote of the board of directors  
154 of the respective property owners' association or an owners'  
155 association in which all owners may voluntarily join,  
156 notwithstanding any other requirements for approval of an  
157 amendment of the covenant or restriction. Unless the amendment  
158 also changes other provisions of the covenant or restriction,  
159 the recording of an amendment removing a discriminatory  
160 restriction does not constitute a title transaction occurring  
161 after the root of title for purposes of s. 712.03(4).

162 Section 5. Paragraph (a) of subsection (1) and paragraphs  
163 (a), (b), (c), (f), and (g) of subsection (12) of section  
164 718.111, Florida Statutes, are amended to read:

165 718.111 The association.—

166 (1) CORPORATE ENTITY.—

167 (a) The operation of the condominium shall be by the  
168 association, which must be a Florida corporation for profit or a  
169 Florida corporation not for profit. However, any association  
170 which was in existence on January 1, 1977, need not be  
171 incorporated. The owners of units shall be shareholders or  
172 members of the association. The officers and directors of the  
173 association have a fiduciary relationship to the unit owners. It  
174 is the intent of the Legislature that nothing in this paragraph  
175 shall be construed as providing for or removing a requirement of

176 a fiduciary relationship between any manager employed by the  
177 association and the unit owners. An officer, director, or  
178 manager may not solicit, offer to accept, or accept any thing or  
179 service of value or kickback for which consideration has not  
180 been provided for his or her own benefit or that of his or her  
181 immediate family, from any person providing or proposing to  
182 provide goods or services to the association. Any such officer,  
183 director, or manager who knowingly so solicits, offers to  
184 accept, or accepts any thing or service of value or kickback is  
185 subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s.~~  
186 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided  
187 in paragraph (d). However, this paragraph does not prohibit an  
188 officer, director, or manager from accepting services or items  
189 received in connection with trade fairs or education programs.  
190 An association may operate more than one condominium.

191 (12) OFFICIAL RECORDS.—

192 (a) From the inception of the association, the association  
193 shall maintain each of the following items, if applicable, which  
194 constitutes the official records of the association:

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

197 2. A photocopy of the recorded declaration of condominium  
198 of each condominium operated by the association and each  
199 amendment to each declaration.

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



201 and each amendment to the bylaws.

202 4. A certified copy of the articles of incorporation of  
203 the association, or other documents creating the association,  
204 and each amendment thereto.

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

206 6. A book or books that contain the minutes of all  
207 meetings of the association, the board of administration, and  
208 the unit owners.

209 7. A current roster of all unit owners and their mailing  
210 addresses, unit identifications, voting certifications, and, if  
211 known, telephone numbers. The association shall also maintain  
212 the e-mail addresses and facsimile numbers of unit owners  
213 consenting to receive notice by electronic transmission. The e-  
214 mail addresses and facsimile numbers are not accessible to unit  
215 owners if consent to receive notice by electronic transmission  
216 is not provided in accordance with sub-subparagraph (c)3.e.  
217 However, the association is not liable for an inadvertent  
218 disclosure of the e-mail address or facsimile number for  
219 receiving electronic transmission of notices.

220 8. All current insurance policies of the association and  
221 condominiums operated by the association.

222 9. A current copy of any management agreement, lease, or  
223 other contract to which the association is a party or under  
224 which the association or the unit owners have an obligation or  
225 responsibility.

226 |       10. Bills of sale or transfer for all property owned by  
227 | the association.

228 |       11. Accounting records for the association and separate  
229 | accounting records for each condominium that the association  
230 | operates. Any person who knowingly or intentionally defaces or  
231 | destroys such records, or who knowingly or intentionally fails  
232 | to create or maintain such records, with the intent of causing  
233 | harm to the association or one or more of its members, is  
234 | personally subject to a civil penalty under s. 718.501(2)(d)  
235 | ~~pursuant to s. 718.501(1)(d)~~. The accounting records must  
236 | include, but are not limited to:

237 |       a. Accurate, itemized, and detailed records of all  
238 | receipts and expenditures.

239 |       b. A current account and a monthly, bimonthly, or  
240 | quarterly statement of the account for each unit designating the  
241 | name of the unit owner, the due date and amount of each  
242 | assessment, the amount paid on the account, and the balance due.

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

245 |       d. All contracts for work to be performed. Bids for work  
246 | to be performed are also considered official records and must be  
247 | maintained by the association for at least 1 year after receipt  
248 | of the bid.

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

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

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

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

258 ~~15. All other written records of the association not~~  
259 ~~specifically included in the foregoing which are related to the~~  
260 ~~operation of the association.~~

261 15.16. A copy of the inspection report as described in s.  
262 718.301(4)(p).

263 16.17. Bids for materials, equipment, or services.

264 17. All other written records of the association not  
265 specifically included in subparagraphs 1.-16. which are related  
266 to the operation of the association.

267 (b) The official records specified in subparagraphs (a)1.-  
268 6. must be permanently maintained from the inception of the  
269 association. Bids for work to be performed or for materials,  
270 equipment, or services must be maintained for at least 1 year  
271 after receipt of the bid. All other official records must be  
272 maintained within the state for at least 7 years, unless  
273 otherwise provided by general law. All official records must be  
274 maintained in a manner and format determined by the division so  
275 that the records are easily accessible for inspection. The

276 records of the association shall be made available to a unit  
277 owner within 45 miles of the condominium property or within the  
278 county in which the condominium property is located within 10  
279 working days after receipt of a written request by the board or  
280 its designee. However, such distance requirement does not apply  
281 to an association governing a timeshare condominium. This  
282 paragraph may be complied with by having a copy of the official  
283 records of the association available for inspection or copying  
284 on the condominium property or association property, or the  
285 association may offer the option of making the records available  
286 to a unit owner electronically via the Internet or by allowing  
287 the records to be viewed in electronic format on a computer  
288 screen and printed upon request. The association is not  
289 responsible for the use or misuse of the information provided to  
290 an association member or his or her authorized representative in  
291 ~~pursuant to the compliance with requirements of~~ this chapter  
292 unless the association has an affirmative duty not to disclose  
293 such information under ~~pursuant to~~ this chapter.

294 (c)1. The official records of the association are open to  
295 inspection by any association member or the authorized  
296 representative of such member at all reasonable times. The right  
297 to inspect the records includes the right to make or obtain  
298 copies, at the reasonable expense, if any, of the member or  
299 authorized representative of such member. A renter of a unit  
300 only has a right to inspect and copy the declaration of

301 condominium and association's bylaws and rules. The association  
302 must provide a checklist to the member or the authorized  
303 representative of such member of all records that are made  
304 available for inspection and copying in response to a written  
305 request. If any of the association's official records are not  
306 available, such records must be identified on the checklist  
307 provided to the person requesting the records. The checklist  
308 must be signed by a manager licensed under part VIII of chapter  
309 468 certifying that the checklist is accurate to the best of his  
310 or her knowledge and belief or the association must provide the  
311 person requesting the records a sworn affidavit attesting to the  
312 veracity of the checklist executed by the person responding to  
313 the written request on behalf of the association. The  
314 association must maintain a copy of the checklist and affidavit,  
315 if required, for at least 7 years. Delivery of the checklist and  
316 affidavit, if required, to the person requesting the records  
317 creates a rebuttable presumption that the association complied  
318 with this paragraph. The division may adopt a rule outlining the  
319 requirements of the checklist under this subparagraph. The  
320 association may adopt reasonable rules regarding the frequency,  
321 time, location, notice, and manner of record inspections and  
322 copying, but may not require a member to demonstrate any purpose  
323 or state any reason for the inspection. The failure of an  
324 association to provide the records within 10 working days after  
325 receipt of a written request creates a rebuttable presumption

326 that the association willfully failed to comply with this  
327 paragraph. A unit owner who is denied access to official records  
328 is entitled to the actual damages or minimum damages for the  
329 association's willful failure to comply. Minimum damages are \$50  
330 per calendar day for up to 10 days, beginning on the 11th  
331 working day after receipt of the written request. The failure to  
332 permit inspection entitles any person prevailing in an  
333 enforcement action to recover reasonable attorney fees from the  
334 person in control of the records who, directly or indirectly,  
335 knowingly denied access to the records.

336 2. Any person who knowingly or intentionally defaces or  
337 destroys accounting records that are required by this chapter to  
338 be maintained during the period for which such records are  
339 required to be maintained, or who knowingly or intentionally  
340 fails to create or maintain accounting records that are required  
341 to be created or maintained, with the intent of causing harm to  
342 the association or one or more of its members, is personally  
343 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~  
344 ~~718.501(1)(d)~~.

345 3. The association shall maintain an adequate number of  
346 copies of the declaration, articles of incorporation, bylaws,  
347 and rules, and all amendments to each of the foregoing, as well  
348 as the question and answer sheet as described in s. 718.504 and  
349 year-end financial information required under this section, on  
350 the condominium property to ensure their availability to unit

351 owners and prospective purchasers, and may charge its actual  
352 costs for preparing and furnishing these documents to those  
353 requesting the documents. An association shall allow a member or  
354 his or her authorized representative to use a portable device,  
355 including a smartphone, tablet, portable scanner, or any other  
356 technology capable of scanning or taking photographs, to make an  
357 electronic copy of the official records in lieu of the  
358 association's providing the member or his or her authorized  
359 representative with a copy of such records. The association may  
360 not charge a member or his or her authorized representative for  
361 the use of a portable device. Notwithstanding this paragraph,  
362 the following records are not accessible to unit owners:

363       a. Any record protected by the lawyer-client privilege as  
364 described in s. 90.502 and any record protected by the work-  
365 product privilege, including a record prepared by an association  
366 attorney or prepared at the attorney's express direction, which  
367 reflects a mental impression, conclusion, litigation strategy,  
368 or legal theory of the attorney or the association, and which  
369 was prepared exclusively for civil or criminal litigation or for  
370 adversarial administrative proceedings, or which was prepared in  
371 anticipation of such litigation or proceedings until the  
372 conclusion of the litigation or proceedings.

373       b. Information obtained by an association in connection  
374 with the approval of the lease, sale, or other transfer of a  
375 unit.

376 c. Personnel records of association or management company  
377 employees, including, but not limited to, disciplinary, payroll,  
378 health, and insurance records. For purposes of this sub-  
379 subparagraph, the term "personnel records" does not include  
380 written employment agreements with an association employee or  
381 management company, or budgetary or financial records that  
382 indicate the compensation paid to an association employee.

383 d. Medical records of unit owners.

384 e. Social security numbers, driver license numbers, credit  
385 card numbers, e-mail addresses, telephone numbers, facsimile  
386 numbers, emergency contact information, addresses of a unit  
387 owner other than as provided to fulfill the association's notice  
388 requirements, and other personal identifying information of any  
389 person, excluding the person's name, unit designation, mailing  
390 address, property address, and any address, e-mail address, or  
391 facsimile number provided to the association to fulfill the  
392 association's notice requirements. Notwithstanding the  
393 restrictions in this sub-subparagraph, an association may print  
394 and distribute to unit ~~parcel~~ owners a directory containing the  
395 name, unit ~~parcel~~ address, and all telephone numbers of each  
396 unit ~~parcel~~ owner. However, an owner may exclude his or her  
397 telephone numbers from the directory by so requesting in writing  
398 to the association. An owner may consent in writing to the  
399 disclosure of other contact information described in this sub-  
400 subparagraph. The association is not liable for the inadvertent



401 disclosure of information that is protected under this sub-  
402 subparagraph if the information is included in an official  
403 record of the association and is voluntarily provided by an  
404 owner and not requested by the association.

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

407 g. The software and operating system used by the  
408 association which allow the manipulation of data, even if the  
409 owner owns a copy of the same software used by the association.  
410 The data is part of the official records of the association.

411 (f) An outgoing board or committee member must relinquish  
412 all official records and property of the association in his or  
413 her possession or under his or her control to the incoming board  
414 within 5 days after the election. The division shall impose a  
415 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~  
416 ~~718.501(1)(d)6.~~ against an outgoing board or committee member  
417 who willfully and knowingly fails to relinquish such records and  
418 property.

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

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

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

428 (II) A website, application, or web portal operated by a  
 429 third-party provider with whom the association owns, leases,  
 430 rents, or otherwise obtains the right to operate a web page,  
 431 subpage, web portal, ~~or~~ collection of subpages or web portals,  
 432 or application which is dedicated to the association's  
 433 activities and on which required notices, records, and documents  
 434 may be posted or made available by the association.

435 b. The association's website or application must be  
 436 accessible through the Internet and must contain a subpage, web  
 437 portal, or other protected electronic location that is  
 438 inaccessible to the general public and accessible only to unit  
 439 owners and employees of the association.

440 c. Upon a unit owner's written request, the association  
 441 must provide the unit owner with a username and password and  
 442 access to the protected sections of the association's website or  
 443 application that contain any notices, records, or documents that  
 444 must be electronically provided.

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

448 a. The recorded declaration of condominium of each  
 449 condominium operated by the association and each amendment to  
 450 each declaration.

451           b. The recorded bylaws of the association and each  
452 amendment to the bylaws.

453           c. The articles of incorporation of the association, or  
454 other documents creating the association, and each amendment to  
455 the articles of incorporation or other documents ~~thereto~~. The  
456 copy posted pursuant to this sub-subparagraph must be a copy of  
457 the articles of incorporation filed with the Department of  
458 State.

459           d. The rules of the association.

460           e. A list of all executory contracts or documents to which  
461 the association is a party or under which the association or the  
462 unit owners have an obligation or responsibility and, after  
463 bidding for the related materials, equipment, or services has  
464 closed, a list of bids received by the association within the  
465 past year. Summaries of bids for materials, equipment, or  
466 services which exceed \$500 must be maintained on the website or  
467 application for 1 year. In lieu of summaries, complete copies of  
468 the bids may be posted.

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

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

474           h. The certification of each director required by s.  
475 718.112(2)(d)4.b.

476 i. All contracts or transactions between the association  
477 and any director, officer, corporation, firm, or association  
478 that is not an affiliated condominium association or any other  
479 entity in which an association director is also a director or  
480 officer and financially interested.

481 j. Any contract or document regarding a conflict of  
482 interest or possible conflict of interest as provided in ss.  
483 468.436(2)(b)6. and 718.3027(3).

484 k. The notice of any unit owner meeting and the agenda for  
485 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
486 days before the meeting. The notice must be posted in plain view  
487 on the front page of the website or application, or on a  
488 separate subpage of the website or application labeled "Notices"  
489 which is conspicuously visible and linked from the front page.  
490 The association must also post on its website or application any  
491 document to be considered and voted on by the owners during the  
492 meeting or any document listed on the agenda at least 7 days  
493 before the meeting at which the document or the information  
494 within the document will be considered.

495 1. Notice of any board meeting, the agenda, and any other  
496 document required for the meeting as required by s.  
497 718.112(2)(c), which must be posted no later than the date  
498 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

499 3. The association shall ensure that the information and  
500 records described in paragraph (c), which are not allowed to be

501 accessible to unit owners, are not posted on the association's  
502 website or application. If protected information or information  
503 restricted from being accessible to unit owners is included in  
504 documents that are required to be posted on the association's  
505 website or application, the association shall ensure the  
506 information is redacted before posting the documents ~~online~~.  
507 Notwithstanding the foregoing, the association or its agent is  
508 not liable for disclosing information that is protected or  
509 restricted under ~~pursuant to~~ this paragraph unless such  
510 disclosure was made with a knowing or intentional disregard of  
511 the protected or restricted nature of such information.

512 4. The failure of the association to post information  
513 required under subparagraph 2. is not in and of itself  
514 sufficient to invalidate any action or decision of the  
515 association's board or its committees.

516 Section 6. Paragraphs (d), (i), (j), (k), and (p) of  
517 subsection (2) of section 718.112, Florida Statutes, are  
518 amended, and paragraph (c) is added to subsection (1) of that  
519 section, to read:

520 718.112 Bylaws.—

521 (1) GENERALLY.—

522 (c) The association may extinguish a discriminatory  
523 restriction as provided under s. 712.065.

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

526 | the following:

527 |       (d) Unit owner meetings.—

528 |       1. An annual meeting of the unit owners must be held at  
529 | the location provided in the association bylaws and, if the  
530 | bylaws are silent as to the location, the meeting must be held  
531 | within 45 miles of the condominium property. However, such  
532 | distance requirement does not apply to an association governing  
533 | a timeshare condominium.

534 |       2. Unless the bylaws provide otherwise, a vacancy on the  
535 | board caused by the expiration of a director's term must be  
536 | filled by electing a new board member, and the election must be  
537 | by secret ballot. An election is not required if the number of  
538 | vacancies equals or exceeds the number of candidates. For  
539 | purposes of this paragraph, the term "candidate" means an  
540 | eligible person who has timely submitted the written notice, as  
541 | described in sub-subparagraph 4.a., of his or her intention to  
542 | become a candidate. Except in a timeshare or nonresidential  
543 | condominium, or if the staggered term of a board member does not  
544 | expire until a later annual meeting, or if all members' terms  
545 | would otherwise expire but there are no candidates, the terms of  
546 | all board members expire at the annual meeting, and such members  
547 | may stand for reelection unless prohibited by the bylaws. Board  
548 | members may serve terms longer than 1 year if permitted by the  
549 | bylaws or articles of incorporation. A board member may not  
550 | serve more than 8 consecutive years unless approved by an

551 affirmative vote of unit owners representing two-thirds of all  
552 votes cast in the election or unless there are not enough  
553 eligible candidates to fill the vacancies on the board at the  
554 time of the vacancy. Only board service that occurs on or after  
555 July 1, 2018, may be used when calculating a board member's term  
556 limit. If the number of board members whose terms expire at the  
557 annual meeting equals or exceeds the number of candidates, the  
558 candidates become members of the board effective upon the  
559 adjournment of the annual meeting. Unless the bylaws provide  
560 otherwise, any remaining vacancies shall be filled by the  
561 affirmative vote of the majority of the directors making up the  
562 newly constituted board even if the directors constitute less  
563 than a quorum or there is only one director. In a residential  
564 condominium association of more than 10 units or in a  
565 residential condominium association that does not include  
566 timeshare units or timeshare interests, co-owners of a unit may  
567 not serve as members of the board of directors at the same time  
568 unless they own more than one unit or unless there are not  
569 enough eligible candidates to fill the vacancies on the board at  
570 the time of the vacancy. A unit owner in a residential  
571 condominium desiring to be a candidate for board membership must  
572 comply with sub-subparagraph 4.a. and must be eligible to be a  
573 candidate to serve on the board of directors at the time of the  
574 deadline for submitting a notice of intent to run in order to  
575 have his or her name listed as a proper candidate on the ballot

576 or to serve on the board. A person who has been suspended or  
577 removed by the division under this chapter, or who is delinquent  
578 in the payment of any monetary obligation due to the  
579 association, is not eligible to be a candidate for board  
580 membership and may not be listed on the ballot. A person who has  
581 been convicted of any felony in this state or in a United States  
582 District or Territorial Court, or who has been convicted of any  
583 offense in another jurisdiction which would be considered a  
584 felony if committed in this state, is not eligible for board  
585 membership unless such felon's civil rights have been restored  
586 for at least 5 years as of the date such person seeks election  
587 to the board. The validity of an action by the board is not  
588 affected if it is later determined that a board member is  
589 ineligible for board membership due to having been convicted of  
590 a felony. This subparagraph does not limit the term of a member  
591 of the board of a nonresidential or timeshare condominium.

592 3. The bylaws must provide the method of calling meetings  
593 of unit owners, including annual meetings. Written notice of an  
594 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
595 delivered, or electronically transmitted to each unit owner at  
596 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in  
597 a conspicuous place on the condominium property at least 14  
598 continuous days before the annual meeting. Written notice of a  
599 meeting other than an annual meeting must include an agenda; be  
600 mailed, hand delivered, or electronically transmitted to each



601 unit owner; and be posted in a conspicuous place on the  
602 condominium property in accordance with the minimum period of  
603 time for posting a notice as set forth in the bylaws, and if the  
604 bylaws do not provide such notice requirements, then at least 14  
605 continuous days before the meeting. Upon notice to the unit  
606 owners, the board shall, by duly adopted rule, designate a  
607 specific location on the condominium property where all notices  
608 of unit owner meetings must be posted. This requirement does not  
609 apply if there is no condominium property for posting notices.  
610 In lieu of, or in addition to, the physical posting of meeting  
611 notices, the association may, by reasonable rule, adopt a  
612 procedure for conspicuously posting and repeatedly broadcasting  
613 the notice and the agenda on a closed-circuit cable television  
614 system serving the condominium association. However, if  
615 broadcast notice is used in lieu of a notice posted physically  
616 on the condominium property, the notice and agenda must be  
617 broadcast at least four times every broadcast hour of each day  
618 that a posted notice is otherwise required under this section.  
619 If broadcast notice is provided, the notice and agenda must be  
620 broadcast in a manner and for a sufficient continuous length of  
621 time so as to allow an average reader to observe the notice and  
622 read and comprehend the entire content of the notice and the  
623 agenda. In addition to any of the authorized means of providing  
624 notice of a meeting of the board, the association may, by rule,  
625 adopt a procedure for conspicuously posting the meeting notice

626 and the agenda on a website serving the condominium association  
627 for at least the minimum period of time for which a notice of a  
628 meeting is also required to be physically posted on the  
629 condominium property. Any rule adopted shall, in addition to  
630 other matters, include a requirement that the association send  
631 an electronic notice in the same manner as a notice for a  
632 meeting of the members, which must include a hyperlink to the  
633 website where the notice is posted, to unit owners whose e-mail  
634 addresses are included in the association's official records.  
635 Unless a unit owner waives in writing the right to receive  
636 notice of the annual meeting, such notice must be hand  
637 delivered, mailed, or electronically transmitted to each unit  
638 owner. Notice for meetings and notice for all other purposes  
639 must be mailed to each unit owner at the address last furnished  
640 to the association by the unit owner, or hand delivered to each  
641 unit owner. However, if a unit is owned by more than one person,  
642 the association must provide notice to the address that the  
643 developer identifies for that purpose and thereafter as one or  
644 more of the owners of the unit advise the association in  
645 writing, or if no address is given or the owners of the unit do  
646 not agree, to the address provided on the deed of record. An  
647 officer of the association, or the manager or other person  
648 providing notice of the association meeting, must provide an  
649 affidavit or United States Postal Service certificate of  
650 mailing, to be included in the official records of the

651 association affirming that the notice was mailed or hand  
652 delivered in accordance with this provision.

653 4. The members of the board of a residential condominium  
654 shall be elected by written ballot or voting machine. Proxies  
655 may not be used in electing the board in general elections or  
656 elections to fill vacancies caused by recall, resignation, or  
657 otherwise, unless otherwise provided in this chapter. This  
658 subparagraph does not apply to an association governing a  
659 timeshare condominium.

660 a. At least 60 days before a scheduled election, the  
661 association shall mail, deliver, or electronically transmit, by  
662 separate association mailing or included in another association  
663 mailing, delivery, or transmission, including regularly  
664 published newsletters, to each unit owner entitled to a vote, a  
665 first notice of the date of the election. A unit owner or other  
666 eligible person desiring to be a candidate for the board must  
667 give written notice of his or her intent to be a candidate to  
668 the association at least 40 days before a scheduled election.  
669 Together with the written notice and agenda as set forth in  
670 subparagraph 3., the association shall mail, deliver, or  
671 electronically transmit a second notice of the election to all  
672 unit owners entitled to vote, together with a ballot that lists  
673 all candidates not less than 14 days or more than 34 days before  
674 the date of the election. Upon request of a candidate, an  
675 information sheet, no larger than 8 1/2 inches by 11 inches,

676 | which must be furnished by the candidate at least 35 days before  
677 | the election, must be included with the mailing, delivery, or  
678 | transmission of the ballot, with the costs of mailing, delivery,  
679 | or electronic transmission and copying to be borne by the  
680 | association. The association is not liable for the contents of  
681 | the information sheets prepared by the candidates. In order to  
682 | reduce costs, the association may print or duplicate the  
683 | information sheets on both sides of the paper. The division  
684 | shall by rule establish voting procedures consistent with this  
685 | sub-subparagraph, including rules establishing procedures for  
686 | giving notice by electronic transmission and rules providing for  
687 | the secrecy of ballots. Elections shall be decided by a  
688 | plurality of ballots cast. There is no quorum requirement;  
689 | however, at least 20 percent of the eligible voters must cast a  
690 | ballot in order to have a valid election. A unit owner may not  
691 | authorize any other person to vote his or her ballot, and any  
692 | ballots improperly cast are invalid. A unit owner who violates  
693 | this provision may be fined by the association in accordance  
694 | with s. 718.303. A unit owner who needs assistance in casting  
695 | the ballot for the reasons stated in s. 101.051 may obtain such  
696 | assistance. The regular election must occur on the date of the  
697 | annual meeting. Notwithstanding this sub-subparagraph, an  
698 | election is not required unless more candidates file notices of  
699 | intent to run or are nominated than board vacancies exist.

700 |       b. Within 90 days after being elected or appointed to the

701 board of an association of a residential condominium, each newly  
702 elected or appointed director shall certify in writing to the  
703 secretary of the association that he or she has read the  
704 association's declaration of condominium, articles of  
705 incorporation, bylaws, and current written policies; that he or  
706 she will work to uphold such documents and policies to the best  
707 of his or her ability; and that he or she will faithfully  
708 discharge his or her fiduciary responsibility to the  
709 association's members. In lieu of this written certification,  
710 within 90 days after being elected or appointed to the board,  
711 the newly elected or appointed director may submit a certificate  
712 of having satisfactorily completed the educational curriculum  
713 administered by a division-approved condominium education  
714 provider within 1 year before or 90 days after the date of  
715 election or appointment. The written certification or  
716 educational certificate is valid and does not have to be  
717 resubmitted as long as the director serves on the board without  
718 interruption. A director of an association of a residential  
719 condominium who fails to timely file the written certification  
720 or educational certificate is suspended from service on the  
721 board until he or she complies with this sub-subparagraph. The  
722 board may temporarily fill the vacancy during the period of  
723 suspension. The secretary shall cause the association to retain  
724 a director's written certification or educational certificate  
725 for inspection by the members for 5 years after a director's

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

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

732 5. Any approval by unit owners called for by this chapter  
733 or the applicable declaration or bylaws, including, but not  
734 limited to, the approval requirement in s. 718.111(8), must be  
735 made at a duly noticed meeting of unit owners and is subject to  
736 all requirements of this chapter or the applicable condominium  
737 documents relating to unit owner decisionmaking, except that  
738 unit owners may take action by written agreement, without  
739 meetings, on matters for which action by written agreement  
740 without meetings is expressly allowed by the applicable bylaws  
741 or declaration or any law that provides for such action.

742 6. Unit owners may waive notice of specific meetings if  
743 allowed by the applicable bylaws or declaration or any law.  
744 Notice of meetings of the board of administration, unit owner  
745 meetings, except unit owner meetings called to recall board  
746 members under paragraph (j), and committee meetings may be given  
747 by electronic transmission to unit owners who consent to receive  
748 notice by electronic transmission. A unit owner who consents to  
749 receiving notices by electronic transmission is solely  
750 responsible for removing or bypassing filters that block receipt

751 of mass e-mails ~~emails~~ sent to members on behalf of the  
752 association in the course of giving electronic notices.

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

757 8. A unit owner may tape record or videotape a meeting of  
758 the unit owners subject to reasonable rules adopted by the  
759 division.

760 9. Unless otherwise provided in the bylaws, any vacancy  
761 occurring on the board before the expiration of a term may be  
762 filled by the affirmative vote of the majority of the remaining  
763 directors, even if the remaining directors constitute less than  
764 a quorum, or by the sole remaining director. In the alternative,  
765 a board may hold an election to fill the vacancy, in which case  
766 the election procedures must conform to sub-subparagraph 4.a.  
767 unless the association governs 10 units or fewer and has opted  
768 out of the statutory election process, in which case the bylaws  
769 of the association control. Unless otherwise provided in the  
770 bylaws, a board member appointed or elected under this section  
771 shall fill the vacancy for the unexpired term of the seat being  
772 filled. Filling vacancies created by recall is governed by  
773 paragraph (j) and rules adopted by the division.

774 10. This chapter does not limit the use of general or  
775 limited proxies, require the use of general or limited proxies,

776 or require the use of a written ballot or voting machine for any  
777 agenda item or election at any meeting of a timeshare  
778 condominium association or nonresidential condominium  
779 association.

780

781 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
782 association of 10 or fewer units may, by affirmative vote of a  
783 majority of the total voting interests, provide for different  
784 voting and election procedures in its bylaws, which may be by a  
785 proxy specifically delineating the different voting and election  
786 procedures. The different voting and election procedures may  
787 provide for elections to be conducted by limited or general  
788 proxy.

789 (i) Transfer fees.—An association may not ~~ne~~ charge a fee  
790 ~~shall be made by the association or any body thereof in~~  
791 connection with the sale, mortgage, lease, sublease, or other  
792 transfer of a unit unless the association is required to approve  
793 such transfer and a fee for such approval is provided for in the  
794 declaration, articles, or bylaws. Any such fee may be preset,  
795 but may not ~~in no event may such fee~~ exceed \$150 ~~\$100~~ per  
796 applicant other than spouses or parent and dependent child, who  
797 ~~husband/wife or parent/dependent child, which~~ are considered one  
798 applicant. However, if the lease or sublease is a renewal of a  
799 lease or sublease with the same lessee or sublessee, a charge  
800 may not ~~no charge shall~~ be made. Such fees shall be adjusted



801 every 5 years in an amount equal to the total of the annual  
802 increases for that 5-year period in the Consumer Price Index for  
803 All Urban Consumers, U.S. City Average, All Items. The  
804 Department of Business and Professional Regulation shall  
805 periodically calculate the fees, rounded to the nearest dollar,  
806 and publish the amounts, as adjusted, on its website. The  
807 foregoing notwithstanding, an association may, if the authority  
808 to do so appears in the declaration, articles, or bylaws,  
809 require that a prospective lessee place a security deposit, in  
810 an amount not to exceed the equivalent of 1 month's rent, into  
811 an escrow account maintained by the association. The security  
812 deposit shall protect against damages to the common elements or  
813 association property. Payment of interest, claims against the  
814 deposit, refunds, and disputes under this paragraph shall be  
815 handled in the same fashion as provided in part II of chapter  
816 83.

817 (j) Recall of board members.—Subject to s. 718.301, any  
818 member of the board of administration may be recalled and  
819 removed from office with or without cause by the vote or  
820 agreement in writing by a majority of all the voting interests.  
821 A special meeting of the unit owners to recall a member or  
822 members of the board of administration may be called by 10  
823 percent of the voting interests giving notice of the meeting as  
824 required for a meeting of unit owners, and the notice shall  
825 state the purpose of the meeting. Electronic transmission may

826 | not be used as a method of giving notice of a meeting called in  
827 | whole or in part for this purpose.

828 |       1. If the recall is approved by a majority of all voting  
829 | interests by a vote at a meeting, the recall will be effective  
830 | as provided in this paragraph. The board shall duly notice and  
831 | hold a board meeting within 5 full business days after the  
832 | adjournment of the unit owner meeting to recall one or more  
833 | board members. Such member or members shall be recalled  
834 | effective immediately upon conclusion of the board meeting,  
835 | provided that the recall is facially valid. A recalled member  
836 | must turn over to the board, within 10 full business days after  
837 | the vote, any and all records and property of the association in  
838 | their possession.

839 |       2. If the proposed recall is by an agreement in writing by  
840 | a majority of all voting interests, the agreement in writing or  
841 | a copy thereof shall be served on the association by certified  
842 | mail or by personal service in the manner authorized by chapter  
843 | 48 and the Florida Rules of Civil Procedure. The board of  
844 | administration shall duly notice and hold a meeting of the board  
845 | within 5 full business days after receipt of the agreement in  
846 | writing. Such member or members shall be recalled effective  
847 | immediately upon the conclusion of the board meeting, provided  
848 | that the recall is facially valid. A recalled member must turn  
849 | over to the board, within 10 full business days, any and all  
850 | records and property of the association in their possession.

851           3. If the board fails to duly notice and hold a board  
852 meeting within 5 full business days after service of an  
853 agreement in writing or within 5 full business days after the  
854 adjournment of the unit owner recall meeting, the recall is  
855 ~~shall be~~ deemed effective and the board members so recalled  
856 shall turn over to the board within 10 full business days after  
857 the vote any and all records and property of the association.

858           4. If the board fails to duly notice and hold the required  
859 meeting or at the conclusion of the meeting determines that the  
860 recall is not facially valid, the unit owner representative may  
861 file a petition or court action under ~~pursuant to~~ s. 718.1255  
862 challenging the board's failure to act or challenging the  
863 board's determination on facial validity. The petition or action  
864 must be filed within 60 days after the expiration of the  
865 applicable 5-full-business-day period. The review of a petition  
866 or action under this subparagraph is limited to the sufficiency  
867 of service on the board and the facial validity of the written  
868 agreement or ballots filed.

869           5. If a vacancy occurs on the board as a result of a  
870 recall or removal and less than a majority of the board members  
871 are removed, the vacancy may be filled by the affirmative vote  
872 of a majority of the remaining directors, notwithstanding any  
873 provision to the contrary contained in this subsection. If  
874 vacancies occur on the board as a result of a recall and a  
875 majority or more of the board members are removed, the vacancies

876 shall be filled in accordance with procedural rules to be  
877 adopted by the division, which rules need not be consistent with  
878 this subsection. The rules must provide procedures governing the  
879 conduct of the recall election as well as the operation of the  
880 association during the period after a recall but before the  
881 recall election.

882 6. A board member who has been recalled may file a  
883 petition or court action under ~~pursuant to~~ s. 718.1255  
884 challenging the validity of the recall. The petition or action  
885 must be filed within 60 days after the recall. The association  
886 and the unit owner representative shall be named as the  
887 respondents. The petition or action may challenge the facial  
888 validity of the written agreement or ballots filed or the  
889 substantial compliance with the procedural requirements for the  
890 recall. If the arbitrator or court determines the recall was  
891 invalid, the petitioning board member shall immediately be  
892 reinstated and the recall is null and void. A board member who  
893 is successful in challenging a recall is entitled to recover  
894 reasonable attorney fees and costs from the respondents. The  
895 arbitrator or court may award reasonable attorney fees and costs  
896 to the respondents if they prevail, if the arbitrator or court  
897 makes a finding that the petitioner's claim is frivolous.

898 7. The division or a court of competent jurisdiction may  
899 not accept for filing a recall petition or court action, whether  
900 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,

901 subparagraph 4., or subparagraph 6. when there are 60 or fewer  
902 days until the scheduled reelection of the board member sought  
903 to be recalled or when 60 or fewer days have elapsed since the  
904 election of the board member sought to be recalled.

905 (k) Alternative dispute resolution Arbitration.—There must  
906 ~~shall~~ be a provision for mandatory alternative dispute  
907 resolution nonbinding arbitration as provided for in s. 718.1255  
908 for any residential condominium.

909 ~~(p) Service providers; conflicts of interest. An~~  
910 ~~association, which is not a timeshare condominium association,~~  
911 ~~may not employ or contract with any service provider that is~~  
912 ~~owned or operated by a board member or with any person who has a~~  
913 ~~financial relationship with a board member or officer, or a~~  
914 ~~relative within the third degree of consanguinity by blood or~~  
915 ~~marriage of a board member or officer. This paragraph does not~~  
916 ~~apply to a service provider in which a board member or officer,~~  
917 ~~or a relative within the third degree of consanguinity by blood~~  
918 ~~or marriage of a board member or officer, owns less than 1~~  
919 ~~percent of the equity shares.~~

920 Section 7. Subsection (8) of section 718.113, Florida  
921 Statutes, is amended to read:

922 718.113 Maintenance; limitation upon improvement; display  
923 of flag; hurricane shutters and protection; display of religious  
924 decorations.—

925 (8) The Legislature finds that the use of electric and

926 natural gas fuel vehicles conserves and protects the state's  
927 environmental resources, provides significant economic savings  
928 to drivers, and serves an important public interest. The  
929 participation of condominium associations is essential to the  
930 state's efforts to conserve and protect the state's  
931 environmental resources and provide economic savings to drivers.  
932 For purposes of this subsection, the term "natural gas fuel" has  
933 the same meaning as in s. 206.9951, and the term "natural gas  
934 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
935 that is powered by natural gas fuel. Therefore, the installation  
936 of an electric vehicle charging station or natural gas fuel  
937 station shall be governed as follows:

938 (a) A declaration of condominium or restrictive covenant  
939 may not prohibit or be enforced so as to prohibit any unit owner  
940 from installing an electric vehicle charging station or natural  
941 gas fuel station within the boundaries of the unit owner's  
942 limited common element or exclusively designated parking area.  
943 The board of administration of a condominium association may not  
944 prohibit a unit owner from installing an electric vehicle  
945 charging station for an electric vehicle, as defined in s.  
946 320.01, or a natural gas fuel station for a natural gas fuel  
947 vehicle within the boundaries of his or her limited common  
948 element or exclusively designated parking area. The installation  
949 of such charging or fuel stations are subject to the provisions  
950 of this subsection.

951 (b) The installation may not cause irreparable damage to  
952 the condominium property.

953 (c) The electricity for the electric vehicle charging  
954 station or natural gas fuel station must be separately metered  
955 or metered by an embedded meter and payable by the unit owner  
956 installing such charging or fuel station or by his or her  
957 successor.

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

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

967 (f)~~(e)~~ If the unit owner or his or her successor decides  
968 there is no longer a need for the electronic vehicle charging  
969 station or natural gas fuel station, such person is responsible  
970 for the cost of removal of such ~~the electronic vehicle~~ charging  
971 or fuel station. The association may enforce payment of such  
972 costs under ~~pursuant to~~ s. 718.116.

973 (g) The unit owner installing, maintaining, or removing  
974 the electric vehicle charging station or natural gas fuel  
975 station is responsible for complying with all federal, state, or

976 local laws and regulations applicable to such installation,  
977 maintenance, or removal.

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

979 1. Comply with bona fide safety requirements, consistent  
980 with applicable building codes or recognized safety standards,  
981 for the protection of persons and property.

982 2. Comply with reasonable architectural standards adopted  
983 by the association that govern the dimensions, placement, or  
984 external appearance of the electric vehicle charging station or  
985 natural gas fuel station, provided that such standards may not  
986 prohibit the installation of such charging or fuel station or  
987 substantially increase the cost thereof.

988 3. Engage the services of a licensed and registered firm  
989 ~~electrical contractor or engineer~~ familiar with the installation  
990 or removal and core requirements of an electric vehicle charging  
991 station or natural gas fuel station.

992 4. Provide a certificate of insurance naming the  
993 association as an additional insured on the owner's insurance  
994 policy for any claim related to the installation, maintenance,  
995 or use of the electric vehicle charging station or natural gas  
996 fuel station within 14 days after receiving the association's  
997 approval to install such charging or fuel station or notice to  
998 provide such a certificate.

999 5. Reimburse the association for the actual cost of any  
1000 increased insurance premium amount attributable to the electric



1001 vehicle charging station or natural gas fuel station within 14  
 1002 days after receiving the association's insurance premium  
 1003 invoice.

1004 (i)~~(g)~~ The association provides an implied easement across  
 1005 the common elements of the condominium property to the unit  
 1006 owner for purposes of ~~the installation of the~~ electric vehicle  
 1007 charging station or natural gas fuel station installation, and  
 1008 the furnishing of electrical power or natural gas fuel supply,  
 1009 including any necessary equipment, to such charging or fuel  
 1010 station, subject to the requirements of this subsection.

1011 Section 8. Subsection (16) of section 718.117, Florida  
 1012 Statutes, is amended to read:

1013 718.117 Termination of condominium.—

1014 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest  
 1015 a plan of termination by initiating a petition in accordance  
 1016 with ~~for mandatory nonbinding arbitration pursuant to s.~~  
 1017 718.1255 within 90 days after the date the plan is recorded. A  
 1018 unit owner or lienor may only contest the fairness and  
 1019 reasonableness of the apportionment of the proceeds from the  
 1020 sale among the unit owners, that the liens of the first  
 1021 mortgages of unit owners other than the bulk owner have not or  
 1022 will not be satisfied to the extent required by subsection (3),  
 1023 or that the required vote to approve the plan was not obtained.  
 1024 A unit owner or lienor who does not contest the plan within the  
 1025 90-day period is barred from asserting or prosecuting a claim

1026 | against the association, the termination trustee, any unit  
1027 | owner, or any successor in interest to the condominium property.  
1028 | In an action contesting a plan of termination, the person  
1029 | contesting the plan has the burden of pleading and proving that  
1030 | the apportionment of the proceeds from the sale among the unit  
1031 | owners was not fair and reasonable or that the required vote was  
1032 | not obtained. The apportionment of sale proceeds is presumed  
1033 | fair and reasonable if it was determined pursuant to the methods  
1034 | prescribed in subsection (12). If the petition is filed with the  
1035 | division for arbitration, the arbitrator shall determine the  
1036 | rights and interests of the parties in the apportionment of the  
1037 | sale proceeds. If the arbitrator determines that the  
1038 | apportionment of sales proceeds is not fair and reasonable, the  
1039 | arbitrator may void the plan or may modify the plan to apportion  
1040 | the proceeds in a fair and reasonable manner pursuant to this  
1041 | section based upon the proceedings and order the modified plan  
1042 | of termination to be implemented. If the arbitrator determines  
1043 | that the plan was not properly approved, or that the procedures  
1044 | to adopt the plan were not properly followed, the arbitrator may  
1045 | void the plan or grant other relief it deems just and proper.  
1046 | The arbitrator shall automatically void the plan upon a finding  
1047 | that any of the disclosures required in subparagraph (3)(c)5.  
1048 | are omitted, misleading, incomplete, or inaccurate. Any  
1049 | challenge to a plan, other than a challenge that the required  
1050 | vote was not obtained, does not affect title to the condominium

1051 property or the vesting of the condominium property in the  
1052 trustee, but shall only be a claim against the proceeds of the  
1053 plan. In any such action, the prevailing party shall recover  
1054 reasonable attorney fees and costs.

1055 Section 9. Subsection (2) of section 718.121, Florida  
1056 Statutes, is amended to read:

1057 718.121 Liens.—

1058 (2) Labor performed on or materials furnished to a unit  
1059 may shall not be the basis for the filing of a lien under  
1060 ~~pursuant to~~ part I of chapter 713, the Construction Lien Law,  
1061 against the unit or condominium parcel of any unit owner not  
1062 expressly consenting to or requesting the labor or materials.  
1063 Labor performed on or materials furnished for the installation  
1064 of a natural gas fuel station or an electronic vehicle charging  
1065 station under ~~pursuant to~~ s. 718.113(8) may not be the basis for  
1066 filing a lien under part I of chapter 713 against the  
1067 association, but such a lien may be filed against the unit  
1068 owner. Labor performed on or materials furnished to the common  
1069 elements are not the basis for a lien on the common elements,  
1070 but if authorized by the association, the labor or materials are  
1071 deemed to be performed or furnished with the express consent of  
1072 each unit owner and may be the basis for the filing of a lien  
1073 against all condominium parcels in the proportions for which the  
1074 owners are liable for common expenses.

1075 Section 10. Subsections (5) and (6) of section 718.1255,

1076 Florida Statutes, are renumbered as subsections (6) and (7),  
1077 respectively, subsection (2) and paragraph (a) of subsection (4)  
1078 of that section are amended, and a new subsection (5) is added  
1079 to that section, to read:

1080       718.1255 Alternative dispute resolution; ~~voluntary~~  
1081 mediation; ~~mandatory~~ nonbinding arbitration; legislative  
1082 findings.—

1083       (2) ~~VOLUNTARY~~ MEDIATION.—~~Voluntary~~ Mediation through  
1084 Citizen Dispute Settlement Centers as provided for in s. 44.201  
1085 is encouraged.

1086       (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF  
1087 DISPUTES.—The Division of Florida Condominiums, Timeshares, and  
1088 Mobile Homes of the Department of Business and Professional  
1089 Regulation may employ full-time attorneys to act as arbitrators  
1090 to conduct the arbitration hearings provided by this chapter.  
1091 The division may also certify attorneys who are not employed by  
1092 the division to act as arbitrators to conduct the arbitration  
1093 hearings provided by this chapter. A ~~No~~ person may not be  
1094 employed by the department as a full-time arbitrator unless he  
1095 or she is a member in good standing of The Florida Bar. A person  
1096 may only be certified by the division to act as an arbitrator if  
1097 he or she has been a member in good standing of The Florida Bar  
1098 for at least 5 years and has mediated or arbitrated at least 10  
1099 disputes involving condominiums in this state during the 3 years  
1100 immediately preceding the date of application, mediated or

1101 arbitrated at least 30 disputes in any subject area in this  
1102 state during the 3 years immediately preceding the date of  
1103 application, or attained board certification in real estate law  
1104 or condominium and planned development law from The Florida Bar.  
1105 Arbitrator certification is valid for 1 year. An arbitrator who  
1106 does not maintain the minimum qualifications for initial  
1107 certification may not have his or her certification renewed. The  
1108 department may not enter into a legal services contract for an  
1109 arbitration hearing under this chapter with an attorney who is  
1110 not a certified arbitrator unless a certified arbitrator is not  
1111 available within 50 miles of the dispute. The department shall  
1112 adopt rules of procedure to govern such arbitration hearings  
1113 including mediation incident thereto. The decision of an  
1114 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not  
1115 ~~be~~ deemed final agency action. Nothing in this provision shall  
1116 be construed to foreclose parties from proceeding in a trial de  
1117 novo unless the parties have agreed that the arbitration is  
1118 binding. If judicial proceedings are initiated, the final  
1119 decision of the arbitrator is ~~shall be~~ admissible in evidence in  
1120 the trial de novo.

1121 (a) Before ~~Prior to~~ the institution of court litigation, a  
1122 party to a dispute, other than an election or recall dispute,  
1123 shall either petition the division for nonbinding arbitration or  
1124 initiate presuit mediation as provided in subsection (5).  
1125 Arbitration is binding on the parties if all parties in

1126 arbitration agree to be bound in a writing filed in arbitration.  
1127 The petition must be accompanied by a filing fee in the amount  
1128 of \$50. Filing fees collected under this section must be used to  
1129 defray the expenses of the alternative dispute resolution  
1130 program.

1131 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
1132 nonbinding arbitration as set forth in subsections (1)-(4), a  
1133 party may submit a dispute to presuit mediation in accordance  
1134 with s. 720.311. Election and recall disputes are not eligible  
1135 for mediation and such disputes must be arbitrated by the  
1136 division or filed in a court of competent jurisdiction.

1137 Section 11. Subsection (3) of section 718.202, Florida  
1138 Statutes, is amended to read:

1139 718.202 Sales or reservation deposits prior to closing.—

1140 (3) If the contract for sale of the condominium unit so  
1141 provides, the developer may withdraw escrow funds in excess of  
1142 10 percent of the purchase price from the special account  
1143 required by subsection (2) when the construction of improvements  
1144 has begun. He or she may use the funds for the actual costs  
1145 incurred by the developer in the ~~actual~~ construction and  
1146 development of the condominium property in which the unit to be  
1147 sold is located. For purposes of this subsection, the term  
1148 "actual costs" includes, but is not limited to, expenditures for  
1149 demolition, site clearing, permit fees, impact fees, and utility  
1150 reservation fees, as well as architectural, engineering, and

1151 surveying fees that directly relate to construction and  
1152 development of the condominium property. However, no part of  
1153 these funds may be used for salaries, commissions, or expenses  
1154 of salespersons; ~~or~~ for advertising, marketing, or promotional  
1155 purposes; or for loan fees, costs or interest, attorney fees,  
1156 accounting fees, or insurance. A contract which permits use of  
1157 the advance payments for these purposes shall include the  
1158 following legend conspicuously printed or stamped in boldfaced  
1159 type on the first page of the contract and immediately above the  
1160 place for the signature of the buyer: ANY PAYMENT IN EXCESS OF  
1161 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO  
1162 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION  
1163 PURPOSES BY THE DEVELOPER.

1164 Section 12. Subsection (1) and paragraph (b) of subsection  
1165 (3) of section 718.303, Florida Statutes, are amended to read:

1166 718.303 Obligations of owners and occupants; remedies.—

1167 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
1168 ~~each~~ association is governed by, and must comply with the  
1169 provisions of, this chapter, the declaration, the documents  
1170 creating the association, and the association bylaws which are  
1171 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
1172 Actions at law or in equity ~~for damages or for injunctive~~  
1173 ~~relief~~, or both, for failure to comply with these provisions may  
1174 be brought by the association or by a unit owner against:

1175 (a) The association.

1176 (b) A unit owner.

1177 (c) Directors designated by the developer, for actions  
1178 taken by them before control of the association is assumed by  
1179 unit owners other than the developer.

1180 (d) Any director who willfully and knowingly fails to  
1181 comply with these provisions.

1182 (e) Any tenant leasing a unit, and any other invitee  
1183 occupying a unit.

1184

1185 The prevailing party in any such action or in any action in  
1186 which the purchaser claims a right of voidability based upon  
1187 contractual provisions as required in s. 718.503(1)(a) is  
1188 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
1189 owner prevailing in an action between the association and the  
1190 unit owner under this subsection ~~section~~, in addition to  
1191 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
1192 recover additional amounts as determined by the court to be  
1193 necessary to reimburse the unit owner for his or her share of  
1194 assessments levied by the association to fund its expenses of  
1195 the litigation. This relief does not exclude other remedies  
1196 provided by law. Actions arising under this subsection are not  
1197 considered ~~may not be deemed to be~~ actions for specific  
1198 performance.

1199 (3) The association may levy reasonable fines for the  
1200 failure of the owner of the unit or its occupant, licensee, or



1201 invitee to comply with any provision of the declaration, the  
1202 association bylaws, or reasonable rules of the association. A  
1203 fine may not become a lien against a unit. A fine may be levied  
1204 by the board on the basis of each day of a continuing violation,  
1205 with a single notice and opportunity for hearing before a  
1206 committee as provided in paragraph (b). However, the fine may  
1207 not exceed \$100 per violation, or \$1,000 in the aggregate.

1208 (b) A fine or suspension levied by the board of  
1209 administration may not be imposed unless the board first  
1210 provides at least 14 days' written notice to the unit owner and,  
1211 if applicable, any tenant occupant, licensee, or invitee of the  
1212 unit owner sought to be fined or suspended, and an opportunity  
1213 for a hearing before a committee of at least three members  
1214 appointed by the board who are not officers, directors, or  
1215 employees of the association, or the spouse, parent, child,  
1216 brother, or sister of an officer, director, or employee. The  
1217 role of the committee is limited to determining whether to  
1218 confirm or reject the fine or suspension levied by the board. If  
1219 the committee does not approve the proposed fine or suspension  
1220 by majority vote, the fine or suspension may not be imposed. If  
1221 the proposed fine or suspension is approved by the committee,  
1222 the fine payment is due 5 days after notice of the approved fine  
1223 is provided to the unit owner and, if applicable, to any tenant,  
1224 licensee, or invitee of the unit owner ~~the date of the committee~~  
1225 ~~meeting at which the fine is approved.~~ The association must

1226 provide written notice of such fine or suspension by mail or  
 1227 hand delivery to the unit owner and, if applicable, to any  
 1228 tenant, licensee, or invitee of the unit owner.

1229 Section 13. Section 718.501, Florida Statutes, is amended  
 1230 to read:

1231 718.501 Authority, responsibility, and duties of Division  
 1232 of Florida Condominiums, Timeshares, and Mobile Homes.—

1233 (1) As used in this section, the term "financial issue"  
 1234 means an issue related to operating budgets; reserve schedules;  
 1235 accounting records under s. 718.111(12)(a)11.; notices of  
 1236 meetings; minutes of meetings discussing budget or financial  
 1237 issues; assessments for common expenses, fees, or fines; the  
 1238 commingling of funds; and any other record necessary to  
 1239 determine the revenues and expenses of the association. The  
 1240 division may adopt rules to further define what a financial  
 1241 issue is under this section.

1242 (2)~~(1)~~ The division may enforce and ensure compliance with  
 1243 ~~the provisions of~~ this chapter and rules relating to the  
 1244 development, construction, sale, lease, ownership, operation,  
 1245 and management of residential condominium units. In performing  
 1246 its duties, the division has complete jurisdiction to  
 1247 investigate complaints and enforce compliance with respect to  
 1248 associations that are still under developer control or the  
 1249 control of a bulk assignee or bulk buyer pursuant to part VII of  
 1250 this chapter and complaints against developers, bulk assignees,

1251 or bulk buyers involving improper turnover or failure to  
1252 turnover, pursuant to s. 718.301. However, after turnover has  
1253 occurred, the division has jurisdiction to investigate  
1254 complaints related only to financial issues, elections, and the  
1255 maintenance of and unit owner access to association records  
1256 under ~~pursuant to~~ s. 718.111(12).

1257 (a)1. The division may make necessary public or private  
1258 investigations within or outside this state to determine whether  
1259 any person has violated this chapter or any rule or order  
1260 hereunder, to aid in the enforcement of this chapter, or to aid  
1261 in the adoption of rules or forms.

1262 2. The division may submit any official written report,  
1263 worksheet, or other related paper, or a duly certified copy  
1264 thereof, compiled, prepared, drafted, or otherwise made by and  
1265 duly authenticated by a financial examiner or analyst to be  
1266 admitted as competent evidence in any hearing in which the  
1267 financial examiner or analyst is available for cross-examination  
1268 and attests under oath that such documents were prepared as a  
1269 result of an examination or inspection conducted pursuant to  
1270 this chapter.

1271 (b) The division may require or permit any person to file  
1272 a statement in writing, under oath or otherwise, as the division  
1273 determines, as to the facts and circumstances concerning a  
1274 matter to be investigated.

1275 (c) For the purpose of any investigation under this

1276 chapter, the division director or any officer or employee  
1277 designated by the division director may administer oaths or  
1278 affirmations, subpoena witnesses and compel their attendance,  
1279 take evidence, and require the production of any matter which is  
1280 relevant to the investigation, including the existence,  
1281 description, nature, custody, condition, and location of any  
1282 books, documents, or other tangible things and the identity and  
1283 location of persons having knowledge of relevant facts or any  
1284 other matter reasonably calculated to lead to the discovery of  
1285 material evidence. Upon the failure by a person to obey a  
1286 subpoena or to answer questions propounded by the investigating  
1287 officer and upon reasonable notice to all affected persons, the  
1288 division may apply to the circuit court for an order compelling  
1289 compliance.

1290 (d) Notwithstanding any remedies available to unit owners  
1291 and associations, if the division has reasonable cause to  
1292 believe that a violation of any provision of this chapter or  
1293 related rule has occurred, the division may institute  
1294 enforcement proceedings in its own name against any developer,  
1295 bulk assignee, bulk buyer, association, officer, or member of  
1296 the board of administration, or its assignees or agents, as  
1297 follows:

1298 1. The division may permit a person whose conduct or  
1299 actions may be under investigation to waive formal proceedings  
1300 and enter into a consent proceeding whereby orders, rules, or

1301 letters of censure or warning, whether formal or informal, may  
1302 be entered against the person.

1303       2. The division may issue an order requiring the  
1304 developer, bulk assignee, bulk buyer, association, developer-  
1305 designated officer, or developer-designated member of the board  
1306 of administration, developer-designated assignees or agents,  
1307 bulk assignee-designated assignees or agents, bulk buyer-  
1308 designated assignees or agents, community association manager,  
1309 or community association management firm to cease and desist  
1310 from the unlawful practice and take such affirmative action as  
1311 in the judgment of the division carry out the purposes of this  
1312 chapter. If the division finds that a developer, bulk assignee,  
1313 bulk buyer, association, officer, or member of the board of  
1314 administration, or its assignees or agents, is violating or is  
1315 about to violate any provision of this chapter, any rule adopted  
1316 or order issued by the division, or any written agreement  
1317 entered into with the division, and presents an immediate danger  
1318 to the public requiring an immediate final order, it may issue  
1319 an emergency cease and desist order reciting with particularity  
1320 the facts underlying such findings. The emergency cease and  
1321 desist order is effective for 90 days. If the division begins  
1322 nonemergency cease and desist proceedings, the emergency cease  
1323 and desist order remains effective until the conclusion of the  
1324 proceedings under ss. 120.569 and 120.57.

1325       3. If a developer, bulk assignee, or bulk buyer, fails to

1326 pay any restitution determined by the division to be owed, plus  
1327 any accrued interest at the highest rate permitted by law,  
1328 within 30 days after expiration of any appellate time period of  
1329 a final order requiring payment of restitution or the conclusion  
1330 of any appeal thereof, whichever is later, the division must  
1331 bring an action in circuit or county court on behalf of any  
1332 association, class of unit owners, lessees, or purchasers for  
1333 restitution, declaratory relief, injunctive relief, or any other  
1334 available remedy. The division may also temporarily revoke its  
1335 acceptance of the filing for the developer to which the  
1336 restitution relates until payment of restitution is made.

1337 4. The division may petition the court for appointment of  
1338 a receiver or conservator. If appointed, the receiver or  
1339 conservator may take action to implement the court order to  
1340 ensure the performance of the order and to remedy any breach  
1341 thereof. In addition to all other means provided by law for the  
1342 enforcement of an injunction or temporary restraining order, the  
1343 circuit court may impound or sequester the property of a party  
1344 defendant, including books, papers, documents, and related  
1345 records, and allow the examination and use of the property by  
1346 the division and a court-appointed receiver or conservator.

1347 5. The division may apply to the circuit court for an  
1348 order of restitution whereby the defendant in an action brought  
1349 under ~~pursuant to~~ subparagraph 4. is ordered to make restitution  
1350 of those sums shown by the division to have been obtained by the

1351 defendant in violation of this chapter. At the option of the  
1352 court, such restitution is payable to the conservator or  
1353 receiver appointed under ~~pursuant to~~ subparagraph 4. or directly  
1354 to the persons whose funds or assets were obtained in violation  
1355 of this chapter.

1356 6. The division may impose a civil penalty against a  
1357 developer, bulk assignee, or bulk buyer, or association, or its  
1358 assignee or agent, for any violation of this chapter or related  
1359 rule. The division may impose a civil penalty individually  
1360 against an officer or board member who willfully and knowingly  
1361 violates ~~a provision of~~ this chapter, adopted rule, or a final  
1362 order of the division; may order the removal of such individual  
1363 as an officer or from the board of administration or as an  
1364 officer of the association; and may prohibit such individual  
1365 from serving as an officer or on the board of a community  
1366 association for a period of time. The term "willfully and  
1367 knowingly" means that the division informed the officer or board  
1368 member that his or her action or intended action violates this  
1369 chapter, a rule adopted under this chapter, or a final order of  
1370 the division and that the officer or board member refused to  
1371 comply with the requirements of this chapter, a rule adopted  
1372 under this chapter, or a final order of the division. The  
1373 division, before initiating formal agency action under chapter  
1374 120, must afford the officer or board member an opportunity to  
1375 voluntarily comply, and an officer or board member who complies

1376 within 10 days is not subject to a civil penalty. A penalty may  
1377 be imposed on the basis of each day of continuing violation, but  
1378 the penalty for any offense may not exceed \$5,000. ~~By January 1,~~  
1379 ~~1998,~~ The division shall adopt, by rule, penalty guidelines  
1380 applicable to possible violations or to categories of violations  
1381 of this chapter or rules adopted by the division. The guidelines  
1382 must specify a meaningful range of civil penalties for each such  
1383 violation of the statute and rules and must be based upon the  
1384 harm caused by the violation, the repetition of the violation,  
1385 and upon such other factors deemed relevant by the division. For  
1386 example, the division may consider whether the violations were  
1387 committed by a developer, bulk assignee, or bulk buyer, or  
1388 owner-controlled association, the size of the association, and  
1389 other factors. The guidelines must designate the possible  
1390 mitigating or aggravating circumstances that justify a departure  
1391 from the range of penalties provided by the rules. It is the  
1392 legislative intent that minor violations be distinguished from  
1393 those which endanger the health, safety, or welfare of the  
1394 condominium residents or other persons and that such guidelines  
1395 provide reasonable and meaningful notice to the public of likely  
1396 penalties that may be imposed for proscribed conduct. This  
1397 subsection does not limit the ability of the division to  
1398 informally dispose of administrative actions or complaints by  
1399 stipulation, agreed settlement, or consent order. All amounts  
1400 collected shall be deposited with the Chief Financial Officer to



1401 the credit of the Division of Florida Condominiums, Timeshares,  
1402 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
1403 bulk buyer fails to pay the civil penalty and the amount deemed  
1404 to be owed to the association, the division shall issue an order  
1405 directing that such developer, bulk assignee, or bulk buyer  
1406 cease and desist from further operation until such time as the  
1407 civil penalty is paid or may pursue enforcement of the penalty  
1408 in a court of competent jurisdiction. If an association fails to  
1409 pay the civil penalty, the division shall pursue enforcement in  
1410 a court of competent jurisdiction, and the order imposing the  
1411 civil penalty or the cease and desist order is not effective  
1412 until 20 days after the date of such order. Any action commenced  
1413 by the division shall be brought in the county in which the  
1414 division has its executive offices or in the county where the  
1415 violation occurred.

1416 7. If a unit owner presents the division with proof that  
1417 the unit owner has requested access to official records in  
1418 writing by certified mail, and that after 10 days the unit owner  
1419 again made the same request for access to official records in  
1420 writing by certified mail, and that more than 10 days has  
1421 elapsed since the second request and the association has still  
1422 failed or refused to provide access to official records as  
1423 required by this chapter, the division shall issue a subpoena  
1424 requiring production of the requested records where the records  
1425 are kept pursuant to s. 718.112.

1426           8. In addition to subparagraph 6., the division may seek  
1427 the imposition of a civil penalty through the circuit court for  
1428 any violation for which the division may issue a notice to show  
1429 cause under paragraph (r). The civil penalty shall be at least  
1430 \$500 but no more than \$5,000 for each violation. The court may  
1431 also award to the prevailing party court costs and reasonable  
1432 attorney ~~attorney's~~ fees and, if the division prevails, may also  
1433 award reasonable costs of investigation.

1434           (e) The division may prepare and disseminate a prospectus  
1435 and other information to assist prospective owners, purchasers,  
1436 lessees, and developers of residential condominiums in assessing  
1437 the rights, privileges, and duties pertaining thereto.

1438           (f) The division may adopt rules to administer and enforce  
1439 ~~the provisions of~~ this chapter.

1440           (g) The division shall establish procedures for providing  
1441 notice to an association and the developer, bulk assignee, or  
1442 bulk buyer during the period in which the developer, bulk  
1443 assignee, or bulk buyer controls the association if the division  
1444 is considering the issuance of a declaratory statement with  
1445 respect to the declaration of condominium or any related  
1446 document governing such condominium community.

1447           (h) The division shall furnish each association that pays  
1448 the fees required by paragraph (3)(a) ~~(2)(a)~~ a copy of this  
1449 chapter, as amended, and the rules adopted thereto on an annual  
1450 basis.

1451 (i) The division shall annually provide each association  
1452 with a summary of declaratory statements and formal legal  
1453 opinions relating to the operations of condominiums which were  
1454 rendered by the division during the previous year.

1455 (j) The division shall provide training and educational  
1456 programs for condominium association board members and unit  
1457 owners. The training may, in the division's discretion, include  
1458 web-based electronic media, and live training and seminars in  
1459 various locations throughout the state. The division may review  
1460 and approve education and training programs for board members  
1461 and unit owners offered by providers and shall maintain a  
1462 current list of approved programs and providers and make such  
1463 list available to board members and unit owners in a reasonable  
1464 and cost-effective manner. The division may adopt rules to  
1465 establish requirements for the training and educational programs  
1466 required in this paragraph.

1467 (k) The division shall maintain a toll-free telephone  
1468 number accessible to condominium unit owners.

1469 (l) The division shall develop a program to certify both  
1470 volunteer and paid mediators to provide mediation of condominium  
1471 disputes. The division shall provide, upon request, a list of  
1472 such mediators to any association, unit owner, or other  
1473 participant in alternative dispute resolution ~~arbitration~~  
1474 proceedings under s. 718.1255 requesting a copy of the list. The  
1475 division shall include on the list of volunteer mediators only

1476 the names of persons who have received at least 20 hours of  
1477 training in mediation techniques or who have mediated at least  
1478 20 disputes. In order to become initially certified by the  
1479 division, paid mediators must be certified by the Supreme Court  
1480 to mediate court cases in county or circuit courts. However, the  
1481 division may adopt, by rule, additional factors for the  
1482 certification of paid mediators, which must be related to  
1483 experience, education, or background. Any person initially  
1484 certified as a paid mediator by the division must, in order to  
1485 continue to be certified, comply with the factors or  
1486 requirements adopted by rule.

1487 (m) If a complaint is made, the division must conduct its  
1488 inquiry with due regard for the interests of the affected  
1489 parties. Within 30 days after receipt of a complaint, the  
1490 division shall acknowledge the complaint in writing and notify  
1491 the complainant whether the complaint is within the jurisdiction  
1492 of the division and whether additional information is needed by  
1493 the division from the complainant. The division shall conduct  
1494 its investigation and, within 90 days after receipt of the  
1495 original complaint or of timely requested additional  
1496 information, take action upon the complaint. However, the  
1497 failure to complete the investigation within 90 days does not  
1498 prevent the division from continuing the investigation,  
1499 accepting or considering evidence obtained or received after 90  
1500 days, or taking administrative action if reasonable cause exists

1501 to believe that a violation of this chapter or a rule has  
 1502 occurred. If an investigation is not completed within the time  
 1503 limits established in this paragraph, the division shall, on a  
 1504 monthly basis, notify the complainant in writing of the status  
 1505 of the investigation. When reporting its action to the  
 1506 complainant, the division shall inform the complainant of any  
 1507 right to a hearing under ~~pursuant to~~ ss. 120.569 and 120.57.

1508 (n) Condominium association directors, officers, and  
 1509 employees; condominium developers; bulk assignees, bulk buyers,  
 1510 and community association managers; and community association  
 1511 management firms have an ongoing duty to reasonably cooperate  
 1512 with the division in any investigation under ~~pursuant to~~ this  
 1513 section. The division shall refer to local law enforcement  
 1514 authorities any person whom the division believes has altered,  
 1515 destroyed, concealed, or removed any record, document, or thing  
 1516 required to be kept or maintained by this chapter with the  
 1517 purpose to impair its verity or availability in the department's  
 1518 investigation.

1519 (o) The division may:

- 1520 1. Contract with agencies in this state or other
- 1521 jurisdictions to perform investigative functions; or
- 1522 2. Accept grants-in-aid from any source.

1523 (p) The division shall cooperate with similar agencies in  
 1524 other jurisdictions to establish uniform filing procedures and  
 1525 forms, public offering statements, advertising standards, and

1526 rules and common administrative practices.

1527 (q) The division shall consider notice to a developer,  
1528 bulk assignee, or bulk buyer to be complete when it is delivered  
1529 to the address of the developer, bulk assignee, or bulk buyer  
1530 currently on file with the division.

1531 (r) In addition to its enforcement authority, the division  
1532 may issue a notice to show cause, which must provide for a  
1533 hearing, upon written request, in accordance with chapter 120.

1534 (s) The division shall submit to the Governor, the  
1535 President of the Senate, the Speaker of the House of  
1536 Representatives, and the chairs of the legislative  
1537 appropriations committees an annual report that includes, but  
1538 need not be limited to, the number of training programs provided  
1539 for condominium association board members and unit owners, the  
1540 number of complaints received by type, the number and percent of  
1541 complaints acknowledged in writing within 30 days and the number  
1542 and percent of investigations acted upon within 90 days in  
1543 accordance with paragraph (m), and the number of investigations  
1544 exceeding the 90-day requirement. The annual report must also  
1545 include an evaluation of the division's core business processes  
1546 and make recommendations for improvements, including statutory  
1547 changes. The report shall be submitted by September 30 following  
1548 the end of the fiscal year.

1549 (3) (a) ~~(2) (a)~~ Each condominium association which operates  
1550 more than two units shall pay to the division an annual fee in

1551 the amount of \$4 for each residential unit in condominiums  
 1552 operated by the association. If the fee is not paid by March 1,  
 1553 the association shall be assessed a penalty of 10 percent of the  
 1554 amount due, and the association will not have standing to  
 1555 maintain or defend any action in the courts of this state until  
 1556 the amount due, plus any penalty, is paid.

1557 (b) All fees shall be deposited in the Division of Florida  
 1558 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
 1559 provided by law.

1560 Section 14. Section 718.5014, Florida Statutes, is amended  
 1561 to read:

1562 718.5014 Ombudsman location.—The ombudsman shall maintain  
 1563 his or her principal office in a Leon County ~~on the premises of~~  
 1564 ~~the division or, if suitable space cannot be provided there, at~~  
 1565 ~~another~~ place convenient to the offices of the division which  
 1566 will enable the ombudsman to expeditiously carry out the duties  
 1567 and functions of his or her office. The ombudsman may establish  
 1568 branch offices elsewhere in the state upon the concurrence of  
 1569 the Governor.

1570 Section 15. Subsection (25) of section 719.103, Florida  
 1571 Statutes, is amended to read:

1572 719.103 Definitions.—As used in this chapter:

1573 (25) "Unit" means a part of the cooperative property which  
 1574 is subject to exclusive use and possession. A unit may be  
 1575 improvements, land, or land and improvements together, as

1576 specified in the cooperative documents. An interest in a unit is  
1577 an interest in real property.

1578 Section 16. Paragraph (c) of subsection (2) of section  
1579 719.104, Florida Statutes, is amended to read:

1580 719.104 Cooperatives; access to units; records; financial  
1581 reports; assessments; purchase of leases.—

1582 (2) OFFICIAL RECORDS.—

1583 (c) The official records of the association are open to  
1584 inspection by any association member or the authorized  
1585 representative of such member at all reasonable times. The right  
1586 to inspect the records includes the right to make or obtain  
1587 copies, at the reasonable expense, if any, of the association  
1588 member. The association may adopt reasonable rules regarding the  
1589 frequency, time, location, notice, and manner of record  
1590 inspections and copying, but may not require a member to  
1591 demonstrate any purpose or state any reason for the inspection.

1592 The failure of an association to provide the records within 10  
1593 working days after receipt of a written request creates a  
1594 rebuttable presumption that the association willfully failed to  
1595 comply with this paragraph. A member ~~unit owner~~ who is denied  
1596 access to official records is entitled to the actual damages or  
1597 minimum damages for the association's willful failure to comply.  
1598 The minimum damages are \$50 per calendar day for up to 10 days,  
1599 beginning on the 11th working day after receipt of the written  
1600 request. The failure to permit inspection entitles any person



1601 prevailing in an enforcement action to recover reasonable  
1602 attorney fees from the person in control of the records who,  
1603 directly or indirectly, knowingly denied access to the records.  
1604 Any person who knowingly or intentionally defaces or destroys  
1605 accounting records that are required by this chapter to be  
1606 maintained during the period for which such records are required  
1607 to be maintained, or who knowingly or intentionally fails to  
1608 create or maintain accounting records that are required to be  
1609 created or maintained, with the intent of causing harm to the  
1610 association or one or more of its members, is personally subject  
1611 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
1612 association shall maintain an adequate number of copies of the  
1613 declaration, articles of incorporation, bylaws, and rules, and  
1614 all amendments to each of the foregoing, as well as the question  
1615 and answer sheet as described in s. 719.504 and year-end  
1616 financial information required by the department, on the  
1617 cooperative property to ensure their availability to members  
1618 ~~unit owners~~ and prospective purchasers, and may charge its  
1619 actual costs for preparing and furnishing these documents to  
1620 those requesting the same. An association shall allow a member  
1621 or his or her authorized representative to use a portable  
1622 device, including a smartphone, tablet, portable scanner, or any  
1623 other technology capable of scanning or taking photographs, to  
1624 make an electronic copy of the official records in lieu of the  
1625 association providing the member or his or her authorized

1626 representative with a copy of such records. The association may  
1627 not charge a member or his or her authorized representative for  
1628 the use of a portable device. Notwithstanding this paragraph,  
1629 the following records shall not be accessible to members ~~unit~~  
1630 ~~owners~~:

1631 1. Any record protected by the lawyer-client privilege as  
1632 described in s. 90.502 and any record protected by the work-  
1633 product privilege, including any record prepared by an  
1634 association attorney or prepared at the attorney's express  
1635 direction which reflects a mental impression, conclusion,  
1636 litigation strategy, or legal theory of the attorney or the  
1637 association, and which was prepared exclusively for civil or  
1638 criminal litigation or for adversarial administrative  
1639 proceedings, or which was prepared in anticipation of such  
1640 litigation or proceedings until the conclusion of the litigation  
1641 or proceedings.

1642 2. Information obtained by an association in connection  
1643 with the approval of the lease, sale, or other transfer of a  
1644 unit.

1645 3. Personnel records of association or management company  
1646 employees, including, but not limited to, disciplinary, payroll,  
1647 health, and insurance records. For purposes of this  
1648 subparagraph, the term "personnel records" does not include  
1649 written employment agreements with an association employee or  
1650 management company, or budgetary or financial records that

1651 indicate the compensation paid to an association employee.

1652 4. Medical records of unit owners.

1653 5. Social security numbers, driver license numbers, credit  
1654 card numbers, e-mail addresses, telephone numbers, facsimile  
1655 numbers, emergency contact information, addresses of a unit  
1656 owner other than as provided to fulfill the association's notice  
1657 requirements, and other personal identifying information of any  
1658 person, excluding the person's name, unit designation, mailing  
1659 address, property address, and any address, e-mail address, or  
1660 facsimile number provided to the association to fulfill the  
1661 association's notice requirements. Notwithstanding the  
1662 restrictions in this subparagraph, an association may print and  
1663 distribute to unit ~~parcel~~ owners a directory containing the  
1664 name, unit ~~parcel~~ address, and all telephone numbers of each  
1665 unit ~~parcel~~ owner. However, an owner may exclude his or her  
1666 telephone numbers from the directory by so requesting in writing  
1667 to the association. An owner may consent in writing to the  
1668 disclosure of other contact information described in this  
1669 subparagraph. The association is not liable for the inadvertent  
1670 disclosure of information that is protected under this  
1671 subparagraph if the information is included in an official  
1672 record of the association and is voluntarily provided by an  
1673 owner and not requested by the association.

1674 6. Electronic security measures that are used by the  
1675 association to safeguard data, including passwords.

1676           7. The software and operating system used by the  
1677 association which allow the manipulation of data, even if the  
1678 owner owns a copy of the same software used by the association.  
1679 The data is part of the official records of the association.

1680           Section 17. Paragraphs (b), (f), and (l) of subsection (1)  
1681 of section 719.106, Florida Statutes, are amended, and  
1682 subsection (3) is added to that section, to read:

1683           719.106 Bylaws; cooperative ownership.—

1684           (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1685 documents shall provide for the following, and if they do not,  
1686 they shall be deemed to include the following:

1687           (b) Quorum; voting requirements; proxies.—

1688           1. Unless otherwise provided in the bylaws, the percentage  
1689 of voting interests required to constitute a quorum at a meeting  
1690 of the members shall be a majority of voting interests, and  
1691 decisions shall be made by owners of a majority of the voting  
1692 interests. Unless otherwise provided in this chapter, or in the  
1693 articles of incorporation, bylaws, or other cooperative  
1694 documents, and except as provided in subparagraph (d)1.,  
1695 decisions shall be made by owners of a majority of the voting  
1696 interests represented at a meeting at which a quorum is present.

1697           2. Except as specifically otherwise provided herein, after  
1698 January 1, 1992, unit owners may not vote by general proxy, but  
1699 may vote by limited proxies substantially conforming to a  
1700 limited proxy form adopted by the division. Limited proxies and

1701 general proxies may be used to establish a quorum. Limited  
1702 proxies shall be used for votes taken to waive or reduce  
1703 reserves in accordance with subparagraph (j)2., for votes taken  
1704 to waive the financial reporting requirements of s.  
1705 719.104(4)(b), for votes taken to amend the articles of  
1706 incorporation or bylaws pursuant to this section, and for any  
1707 other matter for which this chapter requires or permits a vote  
1708 of the unit owners. Except as provided in paragraph (d), after  
1709 January 1, 1992, no proxy, limited or general, shall be used in  
1710 the election of board members. General proxies may be used for  
1711 other matters for which limited proxies are not required, and  
1712 may also be used in voting for nonsubstantive changes to items  
1713 for which a limited proxy is required and given. Notwithstanding  
1714 the provisions of this section, unit owners may vote in person  
1715 at unit owner meetings. Nothing contained herein shall limit the  
1716 use of general proxies or require the use of limited proxies or  
1717 require the use of limited proxies for any agenda item or  
1718 election at any meeting of a timeshare cooperative.

1719 3. Any proxy given shall be effective only for the  
1720 specific meeting for which originally given and any lawfully  
1721 adjourned meetings thereof. In no event shall any proxy be valid  
1722 for a period longer than 90 days after the date of the first  
1723 meeting for which it was given. Every proxy shall be revocable  
1724 at any time at the pleasure of the unit owner executing it.

1725 4. A member of the board of administration or a committee

1726 may submit in writing his or her agreement or disagreement with  
1727 any action taken at a meeting that the member did not attend.  
1728 This agreement or disagreement may not be used as a vote for or  
1729 against the action taken and may not be used for the purposes of  
1730 creating a quorum.

1731 5. A board or committee member participating in a meeting  
1732 via telephone, real-time video conferencing, or similar real-  
1733 time electronic or video communication counts toward a quorum,  
1734 and such member may vote as if physically present ~~When some or~~  
1735 ~~all of the board or committee members meet by telephone~~  
1736 ~~conference, those board or committee members attending by~~  
1737 ~~telephone conference may be counted toward obtaining a quorum~~  
1738 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
1739 used ~~utilized~~ so that the conversation of such ~~these board or~~  
1740 ~~committee members attending by telephone~~ may be heard by the  
1741 board or committee members attending in person, as well as by  
1742 any unit owners present at a meeting.

1743 (f) Recall of board members.—Subject to s. 719.301, any  
1744 member of the board of administration may be recalled and  
1745 removed from office with or without cause by the vote or  
1746 agreement in writing by a majority of all the voting interests.  
1747 A special meeting of the voting interests to recall any member  
1748 of the board of administration may be called by 10 percent of  
1749 the unit owners giving notice of the meeting as required for a  
1750 meeting of unit owners, and the notice shall state the purpose

1751 of the meeting. Electronic transmission may not be used as a  
1752 method of giving notice of a meeting called in whole or in part  
1753 for this purpose.

1754 1. If the recall is approved by a majority of all voting  
1755 interests by a vote at a meeting, the recall shall be effective  
1756 as provided in this paragraph. The board shall duly notice and  
1757 hold a board meeting within 5 full business days after the  
1758 adjournment of the unit owner meeting to recall one or more  
1759 board members. At the meeting, the board shall either certify  
1760 the recall, in which case such member or members shall be  
1761 recalled effective immediately and shall turn over to the board  
1762 within 5 full business days any and all records and property of  
1763 the association in their possession, or shall proceed as set  
1764 forth in subparagraph 3.

1765 2. If the proposed recall is by an agreement in writing by  
1766 a majority of all voting interests, the agreement in writing or  
1767 a copy thereof shall be served on the association by certified  
1768 mail or by personal service in the manner authorized by chapter  
1769 48 and the Florida Rules of Civil Procedure. The board of  
1770 administration shall duly notice and hold a meeting of the board  
1771 within 5 full business days after receipt of the agreement in  
1772 writing. At the meeting, the board shall either certify the  
1773 written agreement to recall members of the board, in which case  
1774 such members shall be recalled effective immediately and shall  
1775 turn over to the board, within 5 full business days, any and all

1776 records and property of the association in their possession, or  
1777 proceed as described in subparagraph 3.

1778 3. If the board determines not to certify the written  
1779 agreement to recall members of the board, or does not certify  
1780 the recall by a vote at a meeting, the board shall, within 5  
1781 full business days after the board meeting, file with the  
1782 division a petition for binding arbitration under ~~pursuant to~~  
1783 ~~the procedures of~~ s. 719.1255 or file an action with a court of  
1784 competent jurisdiction. For purposes of this paragraph, the unit  
1785 owners who voted at the meeting or who executed the agreement in  
1786 writing shall constitute one party under the petition for  
1787 arbitration or in a court action. If the arbitrator or court  
1788 certifies the recall as to any member of the board, the recall  
1789 is ~~shall be~~ effective upon the mailing of the final order of  
1790 arbitration to the association or the final order of the court.  
1791 If the association fails to comply with the order of the court  
1792 or the arbitrator, the division may take action under ~~pursuant~~  
1793 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board  
1794 any and all records and property of the association in the  
1795 member's possession within 5 full business days after the  
1796 effective date of the recall.

1797 4. If the board fails to duly notice and hold a board  
1798 meeting within 5 full business days after service of an  
1799 agreement in writing or within 5 full business days after the  
1800 adjournment of the unit owner recall meeting, the recall is



1801 ~~shall be~~ deemed effective and the board members so recalled  
1802 shall immediately turn over to the board any and all records and  
1803 property of the association.

1804         5. If the board fails to duly notice and hold the required  
1805 meeting or fails to file the required petition or action, the  
1806 unit owner representative may file a petition under ~~pursuant to~~  
1807 s. 719.1255 or file an action in a court of competent  
1808 jurisdiction challenging the board's failure to act. The  
1809 petition or action must be filed within 60 days after the  
1810 expiration of the applicable 5-full-business-day period. The  
1811 review of a petition or action under this subparagraph is  
1812 limited to the sufficiency of service on the board and the  
1813 facial validity of the written agreement or ballots filed.

1814         6. If a vacancy occurs on the board as a result of a  
1815 recall and less than a majority of the board members are  
1816 removed, the vacancy may be filled by the affirmative vote of a  
1817 majority of the remaining directors, notwithstanding any  
1818 provision to the contrary contained in this chapter. If  
1819 vacancies occur on the board as a result of a recall and a  
1820 majority or more of the board members are removed, the vacancies  
1821 shall be filled in accordance with procedural rules to be  
1822 adopted by the division, which rules need not be consistent with  
1823 this chapter. The rules must provide procedures governing the  
1824 conduct of the recall election as well as the operation of the  
1825 association during the period after a recall but before the

1826 recall election.

1827       7. A board member who has been recalled may file a  
1828 petition under ~~pursuant to~~ s. 719.1255 or file an action in a  
1829 court of competent jurisdiction challenging the validity of the  
1830 recall. The petition or action must be filed within 60 days  
1831 after the recall is deemed certified. The association and the  
1832 unit owner representative shall be named as the respondents.

1833       8. The division or court may not accept for filing a  
1834 recall petition or action, whether filed under ~~pursuant to~~  
1835 subparagraph 1., subparagraph 2., subparagraph 5., or  
1836 subparagraph 7. and regardless of whether the recall was  
1837 certified, when there are 60 or fewer days until the scheduled  
1838 reelection of the board member sought to be recalled or when 60  
1839 or fewer days have not elapsed since the election of the board  
1840 member sought to be recalled.

1841       (1) Alternative dispute resolution Arbitration.—There  
1842 shall be a provision for mandatory nonbinding alternative  
1843 dispute resolution arbitration of internal disputes arising from  
1844 the operation of the cooperative in accordance with s. 719.1255.

1845       (3) GENERALLY.—The association may extinguish a  
1846 discriminatory restriction as provided under s. 712.065.

1847       Section 18. Paragraph (1) of subsection (4) of section  
1848 720.303, Florida Statutes, is redesignated as paragraph (m),  
1849 paragraph (c) of subsection (2), present paragraph (1) of  
1850 subsection (4), paragraphs (c) and (d) of subsection (6), and

1851 paragraphs (b), (d), (g), (k), and (l) of subsection (10) are  
 1852 amended, and a new paragraph (l) is added to subsection (4) of  
 1853 that section, to read:

1854 720.303 Association powers and duties; meetings of board;  
 1855 official records; budgets; financial reporting; association  
 1856 funds; recalls.—

1857 (2) BOARD MEETINGS.—

1858 (c) The bylaws shall provide the following for giving  
 1859 notice to parcel owners and members of all board meetings and,  
 1860 if they do not do so, shall be deemed to include the following:

1861 1. Notices of all board meetings must be posted in a  
 1862 conspicuous place in the community at least 48 hours in advance  
 1863 of a meeting, except in an emergency. In the alternative, if  
 1864 notice is not posted in a conspicuous place in the community,  
 1865 notice of each board meeting must be mailed or delivered to each  
 1866 member at least 7 days before the meeting, except in an  
 1867 emergency. Notwithstanding this general notice requirement, for  
 1868 communities with more than 100 members, the association bylaws  
 1869 may provide for a reasonable alternative to posting or mailing  
 1870 of notice for each board meeting, including publication of  
 1871 notice, provision of a schedule of board meetings, or the  
 1872 conspicuous posting and repeated broadcasting of the notice on a  
 1873 closed-circuit cable television system serving the homeowners'  
 1874 association. However, if broadcast notice is used in lieu of a  
 1875 notice posted physically in the community, the notice must be

1876 broadcast at least four times every broadcast hour of each day  
1877 that a posted notice is otherwise required. When broadcast  
1878 notice is provided, the notice and agenda must be broadcast in a  
1879 manner and for a sufficient continuous length of time so as to  
1880 allow an average reader to observe the notice and read and  
1881 comprehend the entire content of the notice and the agenda. In  
1882 addition to any of the authorized means of providing notice of a  
1883 meeting of the board, the association may, by rule, adopt a  
1884 procedure for conspicuously posting the meeting notice and the  
1885 agenda on the association's website or an application that can  
1886 be downloaded on a mobile device for at least the minimum period  
1887 of time for which a notice of a meeting is also required to be  
1888 physically posted on the association property. Any rule adopted  
1889 shall, in addition to other matters, include a requirement that  
1890 the association send an electronic notice in the same manner as  
1891 is required for a notice of a meeting of the members, which must  
1892 include a hyperlink to the website or such mobile application at  
1893 which the notice is posted, to members whose e-mail addresses  
1894 are included in the association's official records. The  
1895 association may provide notice by electronic transmission in a  
1896 manner authorized by law for meetings of the board of directors,  
1897 committee meetings requiring notice under this section, and  
1898 annual and special meetings of the members to any member who has  
1899 provided a facsimile number or e-mail address to the association  
1900 to be used for such purposes; however, a member must consent in

1901 writing to receiving notice by electronic transmission.

1902         2. An assessment may not be levied at a board meeting  
 1903 unless the notice of the meeting includes a statement that  
 1904 assessments will be considered and the nature of the  
 1905 assessments. Written notice of any meeting at which special  
 1906 assessments will be considered or at which amendments to rules  
 1907 regarding parcel use will be considered must be mailed,  
 1908 delivered, or electronically transmitted to the members and  
 1909 parcel owners and posted conspicuously on the property or  
 1910 broadcast on closed-circuit cable television not less than 14  
 1911 days before the meeting.

1912         3. Directors may not vote by proxy or by secret ballot at  
 1913 board meetings, except that secret ballots may be used in the  
 1914 election of officers. This subsection also applies to the  
 1915 meetings of any committee or other similar body, when a final  
 1916 decision will be made regarding the expenditure of association  
 1917 funds, and to any body vested with the power to approve or  
 1918 disapprove architectural decisions with respect to a specific  
 1919 parcel of residential property owned by a member of the  
 1920 community.

1921         (4) OFFICIAL RECORDS.—The association shall maintain each  
 1922 of the following items, when applicable, which constitute the  
 1923 official records of the association:

1924             (1) Ballots, sign-in sheets, voting proxies, and all other  
 1925 papers and electronic records relating to voting by parcel

1926 | owners, which must be maintained for at least 1 year after the  
 1927 | date of the election, vote, or meeting.

1928 | (m)-(1) All other written records of the association not  
 1929 | specifically included in this subsection ~~the foregoing~~ which are  
 1930 | related to the operation of the association.

1931 | (6) BUDGETS.—

1932 | (c)1. If the budget of the association does not provide  
 1933 | for reserve accounts under ~~pursuant to~~ paragraph (d), or the  
 1934 | declaration of covenants, articles, or bylaws do not obligate  
 1935 | the developer to create reserves, and the association is  
 1936 | responsible for the repair and maintenance of capital  
 1937 | improvements that may result in a special assessment if reserves  
 1938 | are not provided or not fully funded, then each financial report  
 1939 | for the preceding fiscal year required by subsection (7) must  
 1940 | contain the following statement in conspicuous type:

1941 |  
 1942 | THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED  
 1943 | RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED  
 1944 | MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING  
 1945 | THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED  
 1946 | RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA  
 1947 | STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL  
 1948 | VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A  
 1949 | MEETING OR BY WRITTEN CONSENT.

1950 | 2. If the budget of the association does provide for

1951 funding accounts for deferred expenditures, including, but not  
1952 limited to, funds for capital expenditures and deferred  
1953 maintenance, but such accounts are not created or established  
1954 under ~~pursuant to~~ paragraph (d), each financial report for the  
1955 preceding fiscal year required under subsection (7) must also  
1956 contain the following statement in conspicuous type:  
1957 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY  
1958 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES  
1959 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED  
1960 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED  
1961 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION  
1962 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE  
1963 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR  
1964 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

1965 (d) An association is deemed to have provided for reserve  
1966 accounts ~~if reserve accounts have been initially established by~~  
1967 ~~the developer or if the membership of the association~~  
1968 ~~affirmatively elects to provide for reserves. If reserve~~  
1969 ~~accounts are established by the developer, the budget must~~  
1970 ~~designate the components for which the reserve accounts may be~~  
1971 ~~used. If reserve accounts are not initially provided by the~~  
1972 ~~developer, the membership of the association may elect to do so~~  
1973 upon the affirmative approval of a majority of the total voting  
1974 interests of the association. Such approval may be obtained by  
1975 vote of the members at a duly called meeting of the membership

1976 or by the written consent of a majority of the total voting  
1977 interests of the association. The approval action of the  
1978 membership must state that reserve accounts shall be provided  
1979 for in the budget and must designate the components for which  
1980 the reserve accounts are to be established. Upon approval by the  
1981 membership, the board of directors shall include the required  
1982 reserve accounts in the budget in the next fiscal year following  
1983 the approval and each year thereafter. Once established as  
1984 provided in this subsection, the reserve accounts must be funded  
1985 or maintained or have their funding waived in the manner  
1986 provided in paragraph (f).

1987 (10) RECALL OF DIRECTORS.—

1988 (b)1. Board directors may be recalled by an agreement in  
1989 writing or by written ballot without a membership meeting. The  
1990 agreement in writing or the written ballots, or a copy thereof,  
1991 shall be served on the association by certified mail or by  
1992 personal service in the manner authorized by chapter 48 and the  
1993 Florida Rules of Civil Procedure.

1994 2. The board shall duly notice and hold a meeting of the  
1995 board within 5 full business days after receipt of the agreement  
1996 in writing or written ballots. At the meeting, the board shall  
1997 either certify the written ballots or written agreement to  
1998 recall a director or directors of the board, in which case such  
1999 director or directors shall be recalled effective immediately  
2000 and shall turn over to the board within 5 full business days any



2001 and all records and property of the association in their  
2002 possession, or proceed as described in paragraph (d).

2003 3. When it is determined by the department pursuant to  
2004 binding arbitration proceedings or the court in an action filed  
2005 in a court of competent jurisdiction that an initial recall  
2006 effort was defective, written recall agreements or written  
2007 ballots used in the first recall effort and not found to be  
2008 defective may be reused in one subsequent recall effort.  
2009 However, in no event is a written agreement or written ballot  
2010 valid for more than 120 days after it has been signed by the  
2011 member.

2012 4. Any rescission or revocation of a member's written  
2013 recall ballot or agreement must be in writing and, in order to  
2014 be effective, must be delivered to the association before the  
2015 association is served with the written recall agreements or  
2016 ballots.

2017 5. The agreement in writing or ballot shall list at least  
2018 as many possible replacement directors as there are directors  
2019 subject to the recall, when at least a majority of the board is  
2020 sought to be recalled; the person executing the recall  
2021 instrument may vote for as many replacement candidates as there  
2022 are directors subject to the recall.

2023 (d) If the board determines not to certify the written  
2024 agreement or written ballots to recall a director or directors  
2025 of the board or does not certify the recall by a vote at a

2026 meeting, the board shall, within 5 full business days after the  
2027 meeting, file an action with a court of competent jurisdiction  
2028 or file with the department a petition for binding arbitration  
2029 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)  
2030 and 718.1255 and the rules adopted thereunder. For the purposes  
2031 of this section, the members who voted at the meeting or who  
2032 executed the agreement in writing shall constitute one party  
2033 under the petition for arbitration or in a court action. If the  
2034 arbitrator or court certifies the recall as to any director or  
2035 directors of the board, the recall will be effective upon the  
2036 final order of the court or the mailing of the final order of  
2037 arbitration to the association. The director or directors so  
2038 recalled shall deliver to the board any and all records of the  
2039 association in their possession within 5 full business days  
2040 after the effective date of the recall.

2041 (g) If the board fails to duly notice and hold the  
2042 required meeting or fails to file the required petition or  
2043 action, the parcel unit owner representative may file a petition  
2044 or a court action under ~~pursuant to~~ s. 718.1255 challenging the  
2045 board's failure to act. The petition or action must be filed  
2046 within 60 days after the expiration of the applicable 5-full-  
2047 business-day period. The review of a petition or action under  
2048 this paragraph is limited to the sufficiency of service on the  
2049 board and the facial validity of the written agreement or  
2050 ballots filed.

2051 (k) A board member who has been recalled may file an  
2052 action with a court of competent jurisdiction or a petition  
2053 under ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules  
2054 adopted challenging the validity of the recall. The petition or  
2055 action must be filed within 60 days after the recall is deemed  
2056 certified. The association and the parcel ~~unit~~ owner  
2057 representative shall be named as respondents.

2058 (l) The division or a court of competent jurisdiction may  
2059 not accept for filing a recall petition or action, whether filed  
2060 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),  
2061 or paragraph (k) and regardless of whether the recall was  
2062 certified, when there are 60 or fewer days until the scheduled  
2063 reelection of the board member sought to be recalled or when 60  
2064 or fewer days have not elapsed since the election of the board  
2065 member sought to be recalled.

2066 Section 19. Paragraphs (a) and (b) of subsection (2) of  
2067 section 720.304, Florida Statutes, are amended to read:

2068 720.304 Right of owners to peaceably assemble; display of  
2069 flag; SLAPP suits prohibited.—

2070 (2)(a) Any homeowner may display one portable, removable  
2071 United States flag or official flag of the State of Florida in a  
2072 respectful manner, and one portable, removable official flag, in  
2073 a respectful manner, not larger than 4 1/2 feet by 6 feet, which  
2074 represents any state, as defined in s. 624.08, or the United  
2075 States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a

2076 POW-MIA flag, regardless of any covenants, restrictions, bylaws,  
 2077 rules, or requirements of the association.

2078 (b) Any homeowner may erect a freestanding flagpole no  
 2079 more than 20 feet high on any portion of the homeowner's real  
 2080 property, regardless of any covenants, restrictions, bylaws,  
 2081 rules, or requirements of the association, if the flagpole does  
 2082 not obstruct sightlines at intersections and is not erected  
 2083 within or upon an easement. The homeowner may further display in  
 2084 a respectful manner from that flagpole, regardless of any  
 2085 covenants, restrictions, bylaws, rules, or requirements of the  
 2086 association, one official United States flag, not larger than 4  
 2087 1/2 feet by 6 feet, and may additionally display one official  
 2088 flag of the State of Florida, any other state, as defined in s.  
 2089 624.08, or the United States Army, Navy, Air Force, Marines, or  
 2090 Coast Guard, or a POW-MIA flag. Such additional flag must be  
 2091 equal in size to or smaller than the United States flag. The  
 2092 flagpole and display are subject to all building codes, zoning  
 2093 setbacks, and other applicable governmental regulations,  
 2094 including, but not limited to, noise and lighting ordinances in  
 2095 the county or municipality in which the flagpole is erected and  
 2096 all setback and locational criteria contained in the governing  
 2097 documents.

2098 Section 20. Subsections (1) and (2) of section 720.305,  
 2099 Florida Statutes, are amended to read:

2100 720.305 Obligations of members; remedies at law or in

2101 equity; levy of fines and suspension of use rights.—

2102 (1) Each member and the member's tenants, guests, and  
2103 invitees, and each association, are governed by, and must comply  
2104 with, this chapter and, the governing documents of the  
2105 community, ~~and the rules of the association~~. Actions at law or  
2106 in equity, or both, to redress alleged failure or refusal to  
2107 comply with these provisions may be brought by the association  
2108 or by any member against:

2109 (a) The association;

2110 (b) A member;

2111 (c) Any director or officer of an association who  
2112 willfully and knowingly fails to comply with these provisions;  
2113 and

2114 (d) Any tenants, guests, or invitees occupying a parcel or  
2115 using the common areas.

2116  
2117 The prevailing party in any such litigation is entitled to  
2118 recover reasonable attorney fees and costs. A member prevailing  
2119 in an action between the association and the member under this  
2120 section, in addition to recovering his or her reasonable  
2121 attorney fees, may recover additional amounts as determined by  
2122 the court to be necessary to reimburse the member for his or her  
2123 share of assessments levied by the association to fund its  
2124 expenses of the litigation. This relief does not exclude other  
2125 remedies provided by law. This section does not deprive any

2126 person of any other available right or remedy.

2127 (2) An ~~The~~ association may levy reasonable fines. A fine  
2128 may not exceed \$100 per violation against any member or any  
2129 member's tenant, guest, or invitee for the failure of the owner  
2130 of the parcel or its occupant, licensee, or invitee to comply  
2131 with any provision of the declaration, the association bylaws,  
2132 or reasonable rules of the association unless otherwise provided  
2133 in the governing documents. A fine may be levied by the board  
2134 for each day of a continuing violation, with a single notice and  
2135 opportunity for hearing, except that the fine may not exceed  
2136 \$1,000 in the aggregate unless otherwise provided in the  
2137 governing documents. A fine of less than \$1,000 may not become a  
2138 lien against a parcel. In any action to recover a fine, the  
2139 prevailing party is entitled to reasonable attorney fees and  
2140 costs from the nonprevailing party as determined by the court.

2141 (a) An association may suspend, for a reasonable period of  
2142 time, the right of a member, or a member's tenant, guest, or  
2143 invitee, to use common areas and facilities for the failure of  
2144 the owner of the parcel or its occupant, licensee, or invitee to  
2145 comply with any provision of the declaration, the association  
2146 bylaws, or reasonable rules of the association. This paragraph  
2147 does not apply to that portion of common areas used to provide  
2148 access or utility services to the parcel. A suspension may not  
2149 prohibit an owner or tenant of a parcel from having vehicular  
2150 and pedestrian ingress to and egress from the parcel, including,

2151 but not limited to, the right to park.

2152 (b) A fine or suspension levied by the board of  
2153 administration may not be imposed unless the board first  
2154 provides at least 14 days' notice to the parcel owner and, if  
2155 applicable, any occupant, licensee, or invitee of the parcel  
2156 owner, sought to be fined or suspended and an opportunity for a  
2157 hearing before a committee of at least three members appointed  
2158 by the board who are not officers, directors, or employees of  
2159 the association, or the spouse, parent, child, brother, or  
2160 sister of an officer, director, or employee. If the committee,  
2161 by majority vote, does not approve a proposed fine or  
2162 suspension, the proposed fine or suspension may not be imposed.  
2163 The role of the committee is limited to determining whether to  
2164 confirm or reject the fine or suspension levied by the board. If  
2165 the proposed fine or suspension levied by the board is approved  
2166 by the committee, the fine payment is due 5 days after notice of  
2167 the approved fine is provided to the parcel owner and, if  
2168 applicable, to any occupant, licensee, or invitee of the parcel  
2169 owner ~~the date of the committee meeting at which the fine is~~  
2170 ~~approved~~. The association must provide written notice of such  
2171 fine or suspension by mail or hand delivery to the parcel owner  
2172 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
2173 of the parcel owner.

2174 Section 21. Paragraph (g) of subsection (1) and paragraph  
2175 (c) of subsection (9) of section 720.306, Florida Statutes, are

2176 amended, and paragraph (h) is added to subsection (1) of that  
 2177 section, to read:

2178 720.306 Meetings of members; voting and election  
 2179 procedures; amendments.—

2180 (1) QUORUM; AMENDMENTS.—

2181 (g) A notice required under this section must be mailed or  
 2182 delivered to the address identified as the parcel owner's  
 2183 mailing address in the official records of the association as  
 2184 required under s. 720.303(4) ~~on the property appraiser's website~~  
 2185 ~~for the county in which the parcel is located,~~ or electronically  
 2186 transmitted in a manner authorized by the association if the  
 2187 parcel owner has consented, in writing, to receive notice by  
 2188 electronic transmission.

2189 (h)1. Except as provided herein, an amendment to a  
 2190 governing document enacted after July 1, 2020, which prohibits a  
 2191 parcel owner from renting his or her parcel, alters the  
 2192 authorized duration of a rental term, or specifies or limits the  
 2193 number of times that a parcel owner may rent his or her parcel  
 2194 during a specified period, applies only to a parcel owner who  
 2195 consents, individually or through a representative, to the  
 2196 amendment, and to parcel owners who acquire title to a parcel  
 2197 after the effective date of the amendment.

2198 2. Notwithstanding subparagraph 1., an association may  
 2199 amend its governing documents to prohibit or regulate rental  
 2200 durations that are for terms of less than 6 months and to



2201 prohibit a parcel owner from renting his or parcel more than  
 2202 three times in a calendar year. Such amendments apply to all  
 2203 parcel owners.

2204 3. This paragraph does not affect the amendment  
 2205 restrictions for associations of 15 or fewer parcel owners as  
 2206 provided in s. 720.303(1).

2207 4. For purposes of this paragraph, a change of ownership  
 2208 does not occur when a parcel owner conveys the parcel to an  
 2209 affiliated entity or when beneficial ownership of the parcel  
 2210 does not change. For purposes of this paragraph, the term  
 2211 "affiliated entity" means an entity which controls, is  
 2212 controlled by, or is under common control with the parcel owner  
 2213 or that becomes a parent or successor entity by reason of  
 2214 transfer, merger, consolidation, public offering,  
 2215 reorganization, dissolution or sale of stock, or transfer of  
 2216 membership partnership interests. For a conveyance to be  
 2217 recognized as one made to an affiliated entity, the entity must  
 2218 furnish the association a document certifying that this  
 2219 paragraph applies, as well as providing any organizational  
 2220 documents for the parcel owner and the affiliated entity that  
 2221 support the representations in the certificate, as requested by  
 2222 the association.

2223 (9) ELECTIONS AND BOARD VACANCIES.—

2224 (c) Any election dispute between a member and an  
 2225 association must be submitted to ~~mandatory~~ binding arbitration

2226 | with the division or filed with a court of competent  
2227 | jurisdiction. Such proceedings that are submitted to binding  
2228 | arbitration with the division must be conducted in the manner  
2229 | provided by s. 718.1255 and the procedural rules adopted by the  
2230 | division. Unless otherwise provided in the bylaws, any vacancy  
2231 | occurring on the board before the expiration of a term may be  
2232 | filled by an affirmative vote of the majority of the remaining  
2233 | directors, even if the remaining directors constitute less than  
2234 | a quorum, or by the sole remaining director. In the alternative,  
2235 | a board may hold an election to fill the vacancy, in which case  
2236 | the election procedures must conform to the requirements of the  
2237 | governing documents. Unless otherwise provided in the bylaws, a  
2238 | board member appointed or elected under this section is  
2239 | appointed for the unexpired term of the seat being filled.  
2240 | Filling vacancies created by recall is governed by s.  
2241 | 720.303(10) and rules adopted by the division.

2242 |       Section 22. Subsection (1) of section 720.311, Florida  
2243 | Statutes, is amended to read:

2244 |       720.311 Dispute resolution.—

2245 |       (1) The Legislature finds that alternative dispute  
2246 | resolution has made progress in reducing court dockets and  
2247 | trials and in offering a more efficient, cost-effective option  
2248 | to litigation. The filing of any petition for arbitration or the  
2249 | serving of a demand for presuit mediation as provided for in  
2250 | this section shall toll the applicable statute of limitations.

2251 Any recall dispute filed with the department under ~~pursuant to~~  
 2252 s. 720.303(10) shall be conducted by the department in  
 2253 accordance with the provisions of ss. 718.112(2)(j) and 718.1255  
 2254 and the rules adopted by the division. In addition, the  
 2255 department shall conduct ~~mandatory~~ binding arbitration of  
 2256 election disputes between a member and an association in  
 2257 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the  
 2258 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are  
 2259 not eligible for presuit mediation; these disputes must ~~shall~~ be  
 2260 arbitrated by the department or filed in a court of competent  
 2261 jurisdiction. At the conclusion of an arbitration ~~the~~  
 2262 proceeding, the department shall charge the parties a fee in an  
 2263 amount adequate to cover all costs and expenses incurred by the  
 2264 department in conducting the proceeding. Initially, the  
 2265 petitioner shall remit a filing fee of at least \$200 to the  
 2266 department. The fees paid to the department shall become a  
 2267 recoverable cost in the arbitration proceeding, and the  
 2268 prevailing party in an arbitration proceeding shall recover its  
 2269 reasonable costs and attorney ~~attorney's~~ fees in an amount found  
 2270 reasonable by the arbitrator. The department shall adopt rules  
 2271 to effectuate the purposes of this section.

2272 Section 23. Subsection (6) is added to section 720.3075,  
 2273 Florida Statutes, to read:

2274 720.3075 Prohibited clauses in association documents.—

2275 (6) The association may extinguish a discriminatory

2276 | restriction as provided in s. 712.065.

2277 | Section 24. This act shall take effect July 1, 2020.