

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Shoaf offered the following:

2  
3 **Substitute Amendment for Amendment (983661) (with title**  
4 **amendment)**

5 Remove lines 168-1030 and insert:

6 Section 5. Subsection (2) of section 193.011, Florida  
7 Statutes, is amended to read:

8 193.011 Factors to consider in deriving just valuation.—In  
9 arriving at just valuation as required under s. 4, Art. VII of  
10 the State Constitution, the property appraiser shall take into  
11 consideration the following factors:

12 (2) The highest and best use to which the property can be  
13 expected to be put in the immediate future and the present use

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14 of the property. The property appraiser's valuation shall be  
15 based on, ~~taking into consideration~~ the legally permissible use  
16 of the property as of the assessment date, as limited by,  
17 ~~including~~ any applicable judicial limitation, local or state  
18 land use regulation, or historic preservation ordinance, and any  
19 zoning changes, concurrency requirements, or ~~and~~ permits  
20 necessary to achieve the highest and best use, and considering  
21 any moratorium imposed by executive order, law, ordinance,  
22 regulation, resolution, or proclamation adopted by any  
23 governmental body or agency or the Governor when the moratorium  
24 or judicial limitation prohibits or restricts the development or  
25 improvement of property as otherwise authorized by applicable  
26 law. The applicable governmental body or agency or the Governor  
27 shall notify the property appraiser in writing of any executive  
28 order, ordinance, regulation, resolution, or proclamation it  
29 adopts imposing any such limitation, regulation, or moratorium;

30 Section 6. Paragraph (e) of subsection (3) of section  
31 194.011, Florida Statutes, is amended to read:

32 194.011 Assessment notice; objections to assessments.—

33 (3) A petition to the value adjustment board must be in  
34 substantially the form prescribed by the department.

35 Notwithstanding s. 195.022, a county officer may not refuse to  
36 accept a form provided by the department for this purpose if the  
37 taxpayer chooses to use it. A petition to the value adjustment  
38 board must be signed by the taxpayer or be accompanied at the

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39 time of filing by the taxpayer's written authorization or power  
40 of attorney, unless the person filing the petition is listed in  
41 s. 194.034(1) (a). A person listed in s. 194.034(1) (a) may file a  
42 petition with a value adjustment board without the taxpayer's  
43 signature or written authorization by certifying under penalty  
44 of perjury that he or she has authorization to file the petition  
45 on behalf of the taxpayer. If a taxpayer notifies the value  
46 adjustment board that a petition has been filed for the  
47 taxpayer's property without his or her consent, the value  
48 adjustment board may require the person filing the petition to  
49 provide written authorization from the taxpayer authorizing the  
50 person to proceed with the appeal before a hearing is held. If  
51 the value adjustment board finds that a person listed in s.  
52 194.034(1) (a) willfully and knowingly filed a petition that was  
53 not authorized by the taxpayer, the value adjustment board shall  
54 require such person to provide the taxpayer's written  
55 authorization for representation to the value adjustment board  
56 clerk before any petition filed by that person is heard, for 1  
57 year after imposition of such requirement by the value  
58 adjustment board. A power of attorney or written authorization  
59 is valid for 1 assessment year, and a new power of attorney or  
60 written authorization by the taxpayer is required for each  
61 subsequent assessment year. A petition shall also describe the  
62 property by parcel number and shall be filed as follows:

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63           (e)1. A condominium association, as defined in s. 718.103,  
64 a cooperative association, as defined in s. 719.103, or any  
65 homeowners' association, as defined in s. 720.301 ~~s. 723.075,~~  
66 with approval of its board of administration or directors, may  
67 file with the value adjustment board a single joint petition on  
68 behalf of any association members who own units or parcels of  
69 property which the property appraiser determines are  
70 substantially similar with respect to location, proximity to  
71 amenities, number of rooms, living area, and condition. The  
72 condominium association, cooperative association, or homeowners'  
73 association ~~as defined in s. 723.075~~ shall provide the unit or  
74 parcel owners with notice of its intent to petition the value  
75 adjustment board by hand delivery or certified mail, return  
76 receipt requested, except that such notice may be electronically  
77 transmitted to a unit owner or parcel owner who has expressly  
78 consented in writing to receiving such notices by electronic  
79 transmission. If the association is a condominium or cooperative  
80 association, the notice must also be posted conspicuously on the  
81 condominium or cooperative property in the same manner as notice  
82 of board meetings under ss. 718.112(2) and 719.106(1). Such  
83 notice must ~~and shall~~ provide at least 14 ~~20~~ days for a unit or  
84 parcel owner to elect, in writing, that his or her unit or  
85 parcel not be included in the petition.

86           2. A condominium association, as defined in s. 718.103, a  
87 cooperative association, as defined in s. 719.103, or a

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88 homeowners' association as defined in s. 720.301, that has filed  
89 a single joint petition under this subsection may continue to  
90 represent, prosecute, and defend the unit owners through any  
91 related subsequent proceeding in any tribunal, including  
92 judicial review under part II of this chapter and any appeals.  
93 This subparagraph is intended to clarify existing law and  
94 applies to cases pending on July 1, 2020.

95 Section 7. Subsection (2) of section 194.181, Florida  
96 Statutes, is amended to read:

97 194.181 Parties to a tax suit.—

98 (2) (a) In any case brought by a ~~the~~ taxpayer or a  
99 condominium, cooperative, or homeowners' association, as defined  
100 in ss. 718.103, 719.103, and 720.301, respectively, on behalf of  
101 some or all unit owners, contesting the assessment of any  
102 property, the county property appraiser is the ~~shall be~~ party  
103 defendant.

104 (b) In any case brought by the property appraiser under  
105 ~~pursuant to~~ s. 194.036(1) (a) or (b), the taxpayer is the ~~shall~~  
106 ~~be~~ party defendant.

107 (c)1. In any case brought by the property appraiser under  
108 s. 194.036(1) (a) or (b) concerning a value adjustment board  
109 decision on a single joint petition filed by a condominium,  
110 cooperative, or homeowners' association under s. 194.011(3), the  
111 association and all unit or parcel owners included in the single  
112 joint petition are the party defendants.

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113       2. The condominium, cooperative, or homeowners'  
114 association must provide unit or parcel owners with notice of  
115 its intent to respond to or answer the property appraiser's  
116 complaint and advise the unit or parcel owners that they may  
117 elect to:

118       a. Retain their own counsel to defend the appeal;

119       b. Choose not to defend the appeal; or

120       c. Be represented together with other unit or parcel  
121 owners by the association.

122       3. The notice required in subparagraph 2. must be hand  
123 delivered or sent by certified mail, return receipt requested,  
124 to the unit or parcel owners, except that such notice may be  
125 electronically transmitted to a unit or parcel owner who has  
126 expressly consented in writing to receiving notices through  
127 electronic transmission. Additionally, the notice must be posted  
128 conspicuously on the condominium or cooperative property, if  
129 applicable, in the same manner as notice of board meetings under  
130 ss. 718.112(2) and 719.106(1). The association must provide at  
131 least 14 days for a unit or parcel owner to respond to the  
132 notice. Any unit or parcel owner who does not respond to the  
133 association's notice will be represented by the association.

134       (d) In any case brought by the property appraiser under  
135 ~~pursuant to~~ s. 194.036(1)(c), the value adjustment board is the  
136 ~~shall be~~ party defendant.

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137 Section 8. Paragraph (a) of subsection (2) of section  
138 514.0115, Florida Statutes, is amended to read:

139 514.0115 Exemptions from supervision or regulation;  
140 variances.—

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

147 Section 9. Section 548.003, Florida Statutes, is amended  
148 to read:

149 548.003 Florida Athletic ~~State Boxing~~ Commission.—

150 (1) The Florida Athletic ~~State Boxing~~ Commission is  
151 created and is assigned to the Department of Business and  
152 Professional Regulation for administrative and fiscal  
153 accountability purposes only. The ~~Florida State Boxing~~  
154 commission shall consist of five members appointed by the  
155 Governor, subject to confirmation by the Senate. One member must  
156 be a physician licensed pursuant to chapter 458 or chapter 459,  
157 who must maintain an unencumbered license in good standing, and  
158 who must, at the time of her or his appointment, have practiced  
159 medicine for at least 5 years. Upon the expiration of the term  
160 of a commissioner, the Governor shall appoint a successor to  
161 serve for a 4-year term. A commissioner whose term has expired

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162 shall continue to serve on the commission until such time as a  
163 replacement is appointed. If a vacancy on the commission occurs  
164 before ~~prior to~~ the expiration of the term, it shall be filled  
165 for the unexpired portion of the term in the same manner as the  
166 original appointment.

167 (2) The ~~Florida State Boxing~~ commission, as created by  
168 subsection (1), shall administer the provisions of this chapter.  
169 The commission has authority to adopt rules pursuant to ss.  
170 120.536(1) and 120.54 to implement the provisions of this  
171 chapter and to implement each of the duties and responsibilities  
172 conferred upon the commission, including, but not limited to:

173 (a) Development of an ethical code of conduct for  
174 commissioners, commission staff, and commission officials.

175 (b) Facility and safety requirements relating to the ring,  
176 floor plan and apron seating, emergency medical equipment and  
177 services, and other equipment and services necessary for the  
178 conduct of a program of matches.

179 (c) Requirements regarding a participant's apparel,  
180 bandages, handwraps, gloves, mouthpiece, and appearance during a  
181 match.

182 (d) Requirements relating to a manager's participation,  
183 presence, and conduct during a match.

184 (e) Duties and responsibilities of all licensees under  
185 this chapter.

186 (f) Procedures for hearings and resolution of disputes.

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187 (g) Qualifications for appointment of referees and judges.

188 (h) Qualifications for and appointment of chief inspectors  
189 and inspectors and duties and responsibilities of chief  
190 inspectors and inspectors with respect to oversight and  
191 coordination of activities for each program of matches regulated  
192 under this chapter.

193 (i) Designation and duties of a knockdown timekeeper.

194 (j) Setting fee and reimbursement schedules for referees  
195 and other officials appointed by the commission or the  
196 representative of the commission.

197 (k) Establishment of criteria for approval, disapproval,  
198 suspension of approval, and revocation of approval of amateur  
199 sanctioning organizations for amateur boxing, kickboxing, and  
200 mixed martial arts held in this state, including, but not  
201 limited to, the health and safety standards the organizations  
202 use before, during, and after the matches to ensure the health,  
203 safety, and well-being of the amateurs participating in the  
204 matches, including the qualifications and numbers of health care  
205 personnel required to be present, the qualifications required  
206 for referees, and other requirements relating to the health,  
207 safety, and well-being of the amateurs participating in the  
208 matches. The commission may adopt by rule, or incorporate by  
209 reference into rule, the health and safety standards of USA  
210 Boxing as the minimum health and safety standards for an amateur  
211 boxing sanctioning organization, the health and safety standards

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212 of the International Sport Kickboxing Association as the minimum  
213 health and safety standards for an amateur kickboxing  
214 sanctioning organization, and the minimum health and safety  
215 standards for an amateur mixed martial arts sanctioning  
216 organization. The commission shall review its rules for  
217 necessary revision at least every 2 years and may adopt by rule,  
218 or incorporate by reference into rule, the then-existing current  
219 health and safety standards of USA Boxing and the International  
220 Sport Kickboxing Association. The commission may adopt emergency  
221 rules to administer this paragraph.

222 (3) The commission shall maintain an office in  
223 Tallahassee. At the first meeting of the commission after June 1  
224 of each year, the commission shall select a chair and a vice  
225 chair from among its membership. Three members shall constitute  
226 a quorum and the concurrence of at least three members is  
227 necessary for official commission action.

228 (4) Three consecutive unexcused absences or absences  
229 constituting 50 percent or more of the commission's meetings  
230 within any 12-month period shall cause the commission membership  
231 of the member in question to become void, and the position shall  
232 be considered vacant. The commission shall, by rule, define  
233 unexcused absences.

234 (5) Each commission member shall be accountable to the  
235 Governor for the proper performance of duties as a member of the  
236 commission. The Governor shall cause to be investigated any

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237 complaint or unfavorable report received by the Governor or the  
238 department concerning an action of the commission or any member  
239 and shall take appropriate action thereon. The Governor may  
240 remove from office any member for malfeasance, unethical  
241 conduct, misfeasance, neglect of duty, incompetence, permanent  
242 inability to perform official duties, or pleading guilty or nolo  
243 contendere to or being found guilty of a felony.

244 (6) Each member of the commission shall be compensated at  
245 the rate of \$50 for each day she or he attends a commission  
246 meeting and shall be reimbursed for other expenses as provided  
247 in s. 112.061.

248 (7) The commission shall be authorized to join and  
249 participate in the activities of the Association of Boxing  
250 Commissions (ABC).

251 (8) The department shall provide all legal and  
252 investigative services necessary to implement this chapter. The  
253 department may adopt rules as provided in ss. 120.536(1) and  
254 120.54 to carry out its duties under this chapter.

255 Section 10. Subsection (3) of section 548.043, Florida  
256 Statutes, is amended to read:

257 548.043 Weights and classes, limitations; gloves.-

258 (3) The commission shall establish by rule the need for  
259 gloves, if any, and the weight of any such gloves to be used in  
260 each pugilistic match ~~the appropriate weight of gloves to be~~  
261 ~~used in each boxing match; however, all participants in boxing~~

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262 ~~matches shall wear gloves weighing not less than 8 ounces each~~  
263 ~~and participants in mixed martial arts matches shall wear gloves~~  
264 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such  
265 protective devices as the commission deems necessary.

266 Section 11. Subsection (20) of section 561.01, Florida  
267 Statutes, is amended to read:

268 561.01 Definitions.—As used in the Beverage Law:

269 ~~(20) "Permit carrier" means a licensee authorized to make~~  
270 ~~deliveries as provided in s. 561.57.~~

271 Section 12. Subsections (1) and (2) of section 561.17,  
272 Florida Statutes, are amended, and subsection (5) is added to  
273 that section, to read:

274 561.17 License and registration applications; approved  
275 person.—

276 (1) Any person, before engaging in the business of  
277 manufacturing, bottling, distributing, selling, or in any way  
278 dealing in alcoholic beverages, shall file, with the district  
279 licensing personnel of the district of the division in which the  
280 place of business for which a license is sought is located, a  
281 sworn application in the format prescribed by the division. The  
282 applicant must be a legal or business entity, person, or persons  
283 and must include all persons, officers, shareholders, and  
284 directors of such legal or business entity that have a direct or  
285 indirect interest in the business seeking to be licensed under  
286 this part. However, the applicant does not include any person

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287 that derives revenue from the license solely through a  
288 contractual relationship with the licensee, the substance of  
289 which contractual relationship is not related to the control of  
290 the sale of alcoholic beverages. Before any application is  
291 approved, the division may require the applicant to file a set  
292 of fingerprints electronically through an approved electronic  
293 fingerprinting vendor or ~~on regular United States Department of~~  
294 ~~Justice forms~~ prescribed by the Florida Department of Law  
295 Enforcement for herself or himself and for any person or persons  
296 interested directly or indirectly with the applicant in the  
297 business for which the license is being sought, when required by  
298 the division. If the applicant or any person who is interested  
299 with the applicant either directly or indirectly in the business  
300 or who has a security interest in the license being sought or  
301 has a right to a percentage payment from the proceeds of the  
302 business, either by lease or otherwise, is not qualified, the  
303 division shall deny the application. However, any company  
304 regularly traded on a national securities exchange and not over  
305 the counter; any insurer, as defined in the Florida Insurance  
306 Code; or any bank or savings and loan association chartered by  
307 this state, another state, or the United States which has an  
308 interest, directly or indirectly, in an alcoholic beverage  
309 license is not required to obtain the division's approval of its  
310 officers, directors, or stockholders or any change of such  
311 positions or interests. A shopping center with five or more

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312 stores, one or more of which has an alcoholic beverage license  
313 and is required under a lease common to all shopping center  
314 tenants to pay no more than 10 percent of the gross proceeds of  
315 the business holding the license to the shopping center, is not  
316 considered as having an interest, directly or indirectly, in the  
317 license. A performing arts center, as defined in s. 561.01,  
318 which has an interest, directly or indirectly, in an alcoholic  
319 beverage license is not required to obtain division approval of  
320 its volunteer officers or directors or of any change in such  
321 positions or interests.

322 (2) All applications for any alcoholic beverage license  
323 must be accompanied by proof of the applicant's right of  
324 occupancy for the entire premises sought to be licensed. All  
325 applications for alcoholic beverage licenses for consumption on  
326 the premises shall be accompanied by a certificate of the  
327 Division of Hotels and Restaurants of the Department of Business  
328 and Professional Regulation, the Department of Agriculture and  
329 Consumer Services, the Department of Health, the Agency for  
330 Health Care Administration, or the county health department that  
331 the place of business wherein the business is to be conducted  
332 meets all of the sanitary requirements of the state.

333 (5) Any person or entity licensed or permitted by the  
334 division must provide an electronic mail address to the division  
335 to function as the primary contact for all communication by the  
336 division to the licensee or permittees. Licensees and permittees

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337 are responsible for maintaining accurate contact information on  
338 file with the division.

339 Section 13. Paragraph (a) of subsection (2) of section  
340 561.20, Florida Statutes, is amended to read:

341 561.20 Limitation upon number of licenses issued.—

342 (2) (a) The limitation of the number of licenses as  
343 provided in this section does not prohibit the issuance of a  
344 special license to:

345 1. Any bona fide hotel, motel, or motor court of not fewer  
346 than 80 guest rooms in any county having a population of less  
347 than 50,000 residents, and of not fewer than 100 guest rooms in  
348 any county having a population of 50,000 residents or greater;  
349 or any bona fide hotel or motel located in a historic structure,  
350 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100  
351 guest rooms which derives at least 51 percent of its gross  
352 revenue from the rental of hotel or motel rooms, which is  
353 licensed as a public lodging establishment by the Division of  
354 Hotels and Restaurants; provided, however, that a bona fide  
355 hotel or motel with no fewer than 10 and no more than 25 guest  
356 rooms which is a historic structure, as defined in s. 561.01(20)  
357 ~~s. 561.01(21)~~, in a municipality that on the effective date of  
358 this act has a population, according to the University of  
359 Florida's Bureau of Economic and Business Research Estimates of  
360 Population for 1998, of no fewer than 25,000 and no more than  
361 35,000 residents and that is within a constitutionally chartered

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362 county may be issued a special license. This special license  
363 shall allow the sale and consumption of alcoholic beverages only  
364 on the licensed premises of the hotel or motel. In addition, the  
365 hotel or motel must derive at least 60 percent of its gross  
366 revenue from the rental of hotel or motel rooms and the sale of  
367 food and nonalcoholic beverages; provided that this subparagraph  
368 shall supersede local laws requiring a greater number of hotel  
369 rooms;

370 2. Any condominium accommodation of which no fewer than  
371 100 condominium units are wholly rentable to transients and  
372 which is licensed under chapter 509, except that the license  
373 shall be issued only to the person or corporation that operates  
374 the hotel or motel operation and not to the association of  
375 condominium owners;

376 3. Any condominium accommodation of which no fewer than 50  
377 condominium units are wholly rentable to transients, which is  
378 licensed under chapter 509, and which is located in any county  
379 having home rule under s. 10 or s. 11, Art. VIII of the State  
380 Constitution of 1885, as amended, and incorporated by reference  
381 in s. 6(e), Art. VIII of the State Constitution, except that the  
382 license shall be issued only to the person or corporation that  
383 operates the hotel or motel operation and not to the association  
384 of condominium owners;

385 4. A food service establishment that has 2,500 square feet  
386 of service area, is equipped to serve meals to 150 persons at

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387 one time, and derives at least 51 percent of its gross food and  
388 beverage revenue from the sale of food and nonalcoholic  
389 beverages during the first 120-day ~~60-day~~ operating period and  
390 the first ~~each~~ 12-month operating period thereafter. Subsequent  
391 audit timeframes must be based upon the audit percentage  
392 established by the most recent audit and conducted on a  
393 staggered scale as follows: level 1, 51 percent to 60 percent,  
394 every year; level 2, 61 percent to 75 percent, every 2 years;  
395 level 3, 76 percent to 90 percent, every 3 years; and level 4,  
396 91 percent to 100 percent, every 4 years. A food service  
397 establishment granted a special license on or after January 1,  
398 1958, pursuant to general or special law may not operate as a  
399 package store and may not sell intoxicating beverages under such  
400 license after the hours of serving or consumption of food have  
401 elapsed. Failure by a licensee to meet the required percentage  
402 of food and nonalcoholic beverage gross revenues during the  
403 covered operating period shall result in revocation of the  
404 license or denial of the pending license application. A licensee  
405 whose license is revoked or an applicant whose pending  
406 application is denied, or any person required to qualify on the  
407 special license application, is ineligible to have any interest  
408 in a subsequent application for such a license for a period of  
409 120 days after the date of the final denial or revocation;  
410 5. Any caterer, deriving at least 51 percent of its gross  
411 food and beverage revenue from the sale of food and nonalcoholic

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412 beverages at each catered event, licensed by the Division of  
413 Hotels and Restaurants under chapter 509. This subparagraph does  
414 not apply to a culinary education program, as defined in s.  
415 381.0072(2), which is licensed as a public food service  
416 establishment by the Division of Hotels and Restaurants and  
417 provides catering services. Notwithstanding any law to the  
418 contrary, a licensee under this subparagraph shall sell or serve  
419 alcoholic beverages only for consumption on the premises of a  
420 catered event at which the licensee is also providing prepared  
421 food, and shall prominently display its license at any catered  
422 event at which the caterer is selling or serving alcoholic  
423 beverages. A licensee under this subparagraph shall purchase all  
424 alcoholic beverages it sells or serves at a catered event from a  
425 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
426 under s. 565.02(1) subject to the limitation imposed in  
427 subsection (1), as appropriate. A licensee under this  
428 subparagraph may not store any alcoholic beverages to be sold or  
429 served at a catered event. Any alcoholic beverages purchased by  
430 a licensee under this subparagraph for a catered event that are  
431 not used at that event must remain with the customer; provided  
432 that if the vendor accepts unopened alcoholic beverages, the  
433 licensee may return such alcoholic beverages to the vendor for a  
434 credit or reimbursement. Regardless of the county or counties in  
435 which the licensee operates, a licensee under this subparagraph  
436 shall pay the annual state license tax set forth in s.

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437 565.02(1)(b). A licensee under this subparagraph must maintain  
438 for a period of 3 years all records and receipts for each  
439 catered event, including all contracts, customers' names, event  
440 locations, event dates, food purchases and sales, alcoholic  
441 beverage purchases and sales, nonalcoholic beverage purchases  
442 and sales, and any other records required by the department by  
443 rule to demonstrate compliance with the requirements of this  
444 subparagraph. Notwithstanding any law to the contrary, any  
445 vendor licensed under s. 565.02(1) subject to the limitation  
446 imposed in subsection (1), may, without any additional licensure  
447 under this subparagraph, serve or sell alcoholic beverages for  
448 consumption on the premises of a catered event at which prepared  
449 food is provided by a caterer licensed under chapter 509. If a  
450 licensee under this subparagraph also possesses any other  
451 license under the Beverage Law, the license issued under this  
452 subparagraph shall not authorize the holder to conduct  
453 activities on the premises to which the other license or  
454 licenses apply that would otherwise be prohibited by the terms  
455 of that license or the Beverage Law. Nothing in this section  
456 shall permit the licensee to conduct activities that are  
457 otherwise prohibited by the Beverage Law or local law. The  
458 Division of Alcoholic Beverages and Tobacco is hereby authorized  
459 to adopt rules to administer the license created in this  
460 subparagraph, to include rules governing licensure,  
461 recordkeeping, and enforcement. The first \$300,000 in fees

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462 collected by the division each fiscal year pursuant to this  
463 subparagraph shall be deposited in the Department of Children  
464 and Families' Operations and Maintenance Trust Fund to be used  
465 only for alcohol and drug abuse education, treatment, and  
466 prevention programs. The remainder of the fees collected shall  
467 be deposited into the Hotel and Restaurant Trust Fund created  
468 pursuant to s. 509.072; or

469 6. A culinary education program as defined in s.  
470 381.0072(2) which is licensed as a public food service  
471 establishment by the Division of Hotels and Restaurants.

472 a. This special license shall allow the sale and  
473 consumption of alcoholic beverages on the licensed premises of  
474 the culinary education program. The culinary education program  
475 shall specify designated areas in the facility where the  
476 alcoholic beverages may be consumed at the time of application.  
477 Alcoholic beverages sold for consumption on the premises may be  
478 consumed only in areas designated pursuant to s. 561.01(11) and  
479 may not be removed from the designated area. Such license shall  
480 be applicable only in and for designated areas used by the  
481 culinary education program.

482 b. If the culinary education program provides catering  
483 services, this special license shall also allow the sale and  
484 consumption of alcoholic beverages on the premises of a catered  
485 event at which the licensee is also providing prepared food. A  
486 culinary education program that provides catering services is

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487 not required to derive at least 51 percent of its gross revenue  
488 from the sale of food and nonalcoholic beverages.  
489 Notwithstanding any law to the contrary, a licensee that  
490 provides catering services under this sub-subparagraph shall  
491 prominently display its beverage license at any catered event at  
492 which the caterer is selling or serving alcoholic beverages.  
493 Regardless of the county or counties in which the licensee  
494 operates, a licensee under this sub-subparagraph shall pay the  
495 annual state license tax set forth in s. 565.02(1)(b). A  
496 licensee under this sub-subparagraph must maintain for a period  
497 of 3 years all records required by the department by rule to  
498 demonstrate compliance with the requirements of this sub-  
499 subparagraph.

500 c. If a licensee under this subparagraph also possesses  
501 any other license under the Beverage Law, the license issued  
502 under this subparagraph does not authorize the holder to conduct  
503 activities on the premises to which the other license or  
504 licenses apply that would otherwise be prohibited by the terms  
505 of that license or the Beverage Law. Nothing in this  
506 subparagraph shall permit the licensee to conduct activities  
507 that are otherwise prohibited by the Beverage Law or local law.  
508 Any culinary education program that holds a license to sell  
509 alcoholic beverages shall comply with the age requirements set  
510 forth in ss. 562.11(4), 562.111(2), and 562.13.

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511 d. The Division of Alcoholic Beverages and Tobacco may  
512 adopt rules to administer the license created in this  
513 subparagraph, to include rules governing licensure,  
514 recordkeeping, and enforcement.

515 e. A license issued pursuant to this subparagraph does not  
516 permit the licensee to sell alcoholic beverages by the package  
517 for off-premises consumption.

518

519 However, any license heretofore issued to any such hotel, motel,  
520 motor court, or restaurant or hereafter issued to any such  
521 hotel, motel, or motor court, including a condominium  
522 accommodation, under the general law shall not be moved to a new  
523 location, such license being valid only on the premises of such  
524 hotel, motel, motor court, or restaurant. Licenses issued to  
525 hotels, motels, motor courts, or restaurants under the general  
526 law and held by such hotels, motels, motor courts, or  
527 restaurants on May 24, 1947, shall be counted in the quota  
528 limitation contained in subsection (1). Any license issued for  
529 any hotel, motel, or motor court under this law shall be issued  
530 only to the owner of the hotel, motel, or motor court or, in the  
531 event the hotel, motel, or motor court is leased, to the lessee  
532 of the hotel, motel, or motor court; and the license shall  
533 remain in the name of the owner or lessee so long as the license  
534 is in existence. Any special license now in existence heretofore  
535 issued under this law cannot be renewed except in the name of

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536 the owner of the hotel, motel, motor court, or restaurant or, in  
537 the event the hotel, motel, motor court, or restaurant is  
538 leased, in the name of the lessee of the hotel, motel, motor  
539 court, or restaurant in which the license is located and must  
540 remain in the name of the owner or lessee so long as the license  
541 is in existence. Any license issued under this section shall be  
542 marked "Special," and nothing herein provided shall limit,  
543 restrict, or prevent the issuance of a special license for any  
544 restaurant or motel which shall hereafter meet the requirements  
545 of the law existing immediately prior to the effective date of  
546 this act, if construction of such restaurant has commenced prior  
547 to the effective date of this act and is completed within 30  
548 days thereafter, or if an application is on file for such  
549 special license at the time this act takes effect; and any such  
550 licenses issued under this proviso may be annually renewed as  
551 now provided by law. Nothing herein prevents an application for  
552 transfer of a license to a bona fide purchaser of any hotel,  
553 motel, motor court, or restaurant by the purchaser of such  
554 facility or the transfer of such license pursuant to law.

555 Section 14. Subsection (4) of section 561.42, Florida  
556 Statutes, is amended to read:

557 561.42 Tied house evil; financial aid and assistance to  
558 vendor by manufacturer, distributor, importer, primary American  
559 source of supply, brand owner or registrant, or any broker,

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560 sales agent, or sales person thereof, prohibited; procedure for  
561 enforcement; exception.-

562 (4) Before the division shall so declare and prohibit such  
563 sales to such vendor, ~~it shall~~, within 2 days after receipt of  
564 such notice, the division shall give ~~written~~ notice to such  
565 vendor by electronic mail of the receipt by the division of such  
566 notification of delinquency and such vendor shall be directed to  
567 forthwith make payment thereof or, upon failure to do so, to  
568 show cause before the division why further sales to such vendor  
569 shall not be prohibited. Good and sufficient cause to prevent  
570 such action by the division may be made by showing payment,  
571 failure of consideration, or any other defense which would be  
572 considered sufficient in a common-law action. The vendor shall  
573 have 5 days after service ~~receipt~~ of such notice via electronic  
574 mail within which to show such cause, and he or she may demand a  
575 hearing thereon, provided he or she does so in writing within  
576 said 5 days, such written demand to be delivered to the division  
577 either in person, by electronic mail, or by due course of mail  
578 within such 5 days. If no such demand for hearing is made, the  
579 division shall thereupon declare in writing to such vendor and  
580 to all manufacturers and distributors within the state that all  
581 further sales to such vendor are prohibited until such time as  
582 the division certifies in writing that such vendor has fully  
583 paid for all liquors previously purchased. In the event such  
584 prohibition of sales and declaration thereof to the vendor,

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585 manufacturers, and distributors is ordered by the division, the  
586 vendor may seek review of such decision by the Department of  
587 Business and Professional Regulation within 5 days. In the event  
588 application for such review is filed within such time, such  
589 prohibition of sales shall not be made, published, or declared  
590 until final disposition of such review by the department.

591 Section 15. Subsection (2) of section 561.55, Florida  
592 Statutes, is amended to read:

593 561.55 Manufacturers', distributors', brokers', sales  
594 agents', importers', vendors', and exporters' records and  
595 reports.-

596 (2) Each manufacturer, distributor, broker, sales agent,  
597 and importer shall make a full and complete report by the 10th  
598 day of each month for the previous calendar month. The report  
599 ~~must be~~ shall be made out in triplicate; two copies shall be  
600 ~~sent to the division, and the third copy shall be retained for~~  
601 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~  
602 ~~importer's record. Reports shall be made on forms prepared and~~  
603 ~~furnished~~ by the division and filed with the division through  
604 the division's electronic data submission system.

605 Section 16. Section 562.455, Florida Statutes, is amended  
606 to read:

607 562.455 Adulterating liquor; penalty.-Whoever adulterates,  
608 for the purpose of sale, any liquor, used or intended for drink,  
609 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,

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610 capsicum, copperas, laurel water, logwood, brazil wood,  
611 cochineal, sugar of lead, or any other substance which is  
612 poisonous or injurious to health, and whoever knowingly sells  
613 any liquor so adulterated, commits ~~shall be guilty of~~ a felony  
614 of the third degree, punishable as provided in s. 775.082, s.  
615 775.083, or s. 775.084.

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

618 627.714 Residential condominium unit owner coverage; loss  
619 assessment coverage required.—

620 (4) Every individual unit owner's residential property  
621 policy must contain a provision stating that the coverage  
622 afforded by such policy is excess coverage over the amount  
623 recoverable under any other policy covering the same property.  
624 If a condominium association's insurance policy does not provide  
625 rights for subrogation against the unit owners in the  
626 association, an insurance policy issued to an individual unit  
627 owner located in the association may not provide rights of  
628 subrogation against the condominium association.

629 Section 18. Section 712.065, Florida Statutes, is created  
630 to read:

631 712.065 Extinguishment of discriminatory restrictions.—

632 (1) As used in this section, the term "discriminatory  
633 restriction" means a provision in a title transaction recorded  
634 in the state which restricts the ownership, occupancy, or use of

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635 any real property in this state by any natural person on the  
636 basis of a characteristic that has been held, or is held after  
637 July 1, 2020, by the United States Supreme Court or the Florida  
638 Supreme Court to be protected against discrimination under the  
639 Fourteenth Amendment to the United States Constitution or under  
640 s. 2, Art. I of the State Constitution, including race, color,  
641 national origin, religion, gender, or physical disability.

642 (2) A discriminatory restriction is not enforceable in the  
643 state, and a discriminatory restriction contained in a title  
644 transaction recorded in the state is unlawful, unenforceable,  
645 and void. A discriminatory restriction contained in a previously  
646 recorded title transaction is extinguished and severed from the  
647 recorded title transaction and the remainder of the title  
648 transaction remains enforceable and effective. The recording of  
649 a notice preserving or protecting interests or rights under s.  
650 712.06 does not reimpose or preserve a discriminatory  
651 restriction that is extinguished under this section.

652 (3) Upon request of a parcel owner, a discriminatory  
653 restriction appearing in a covenant or restriction affecting the  
654 parcel may be removed from the covenant or restriction by an  
655 amendment approved by a majority vote of the board of directors  
656 of the respective property owners' association or an owners'  
657 association in which all owners may voluntarily join,  
658 notwithstanding any other requirements for approval of an  
659 amendment of the covenant or restriction. Unless the amendment

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660 also changes other provisions of the covenant or restriction,  
661 the recording of an amendment removing a discriminatory  
662 restriction does not constitute a title transaction occurring  
663 after the root of title for purposes of s. 712.03(4).

664 Section 19. Paragraph (a) of subsection (1), subsection  
665 (3), and paragraphs (a), (b), (c), (f), and (g) of subsection  
666 (12) of section 718.111, Florida Statutes, are amended to read:

667 718.111 The association.—

668 (1) CORPORATE ENTITY.—

669 (a) The operation of the condominium shall be by the  
670 association, which must be a Florida corporation for profit or a  
671 Florida corporation not for profit. However, any association  
672 which was in existence on January 1, 1977, need not be  
673 incorporated. The owners of units shall be shareholders or  
674 members of the association. The officers and directors of the  
675 association have a fiduciary relationship to the unit owners. It  
676 is the intent of the Legislature that nothing in this paragraph  
677 shall be construed as providing for or removing a requirement of  
678 a fiduciary relationship between any manager employed by the  
679 association and the unit owners. An officer, director, or  
680 manager may not solicit, offer to accept, or accept any thing or  
681 service of value or kickback for which consideration has not  
682 been provided for his or her own benefit or that of his or her  
683 immediate family, from any person providing or proposing to  
684 provide goods or services to the association. Any such officer,

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685 director, or manager who knowingly so solicits, offers to  
686 accept, or accepts any thing or service of value or kickback is  
687 subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s.~~  
688 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided  
689 in paragraph (d). However, this paragraph does not prohibit an  
690 officer, director, or manager from accepting services or items  
691 received in connection with trade fairs or education programs.  
692 An association may operate more than one condominium.

693 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,  
694 SUE, AND BE SUED; CONFLICT OF INTEREST.—

695 (a) The association may contract, sue, or be sued with  
696 respect to the exercise or nonexercise of its powers. For these  
697 purposes, the powers of the association include, but are not  
698 limited to, the maintenance, management, and operation of the  
699 condominium property.

700 (b) After control of the association is obtained by unit  
701 owners other than the developer, the association may:

702 1. Institute, maintain, settle, or appeal actions or  
703 hearings in its name on behalf of all unit owners concerning  
704 matters of common interest to most or all unit owners,  
705 including, but not limited to, the common elements; the roof and  
706 structural components of a building or other improvements;  
707 mechanical, electrical, and plumbing elements serving an  
708 improvement or a building; representations of the developer  
709 pertaining to any existing or proposed commonly used facilities;

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710           2. Protest and protesting ad valorem taxes on commonly  
711 used facilities and on units; ~~and may~~

712           3. Defend actions pertaining to ad valorem taxation of  
713 commonly used facilities or units or related to in eminent  
714 domain; or

715           4. Bring inverse condemnation actions.

716           (c) If the association has the authority to maintain a  
717 class action, the association may be joined in an action as  
718 representative of that class with reference to litigation and  
719 disputes involving the matters for which the association could  
720 bring a class action.

721           (d) The association, in its own name or on behalf of some  
722 or all unit owners, may institute, file, protest, maintain, or  
723 defend any administrative challenge, lawsuit, appeal, or other  
724 challenge to ad valorem taxes assessed on units, commonly used  
725 facilities, or common elements. Other than as provided in s.  
726 194.181(2)(c)1., the affected association members are not  
727 necessary or indispensable parties to such actions.. This  
728 paragraph is intended to clarify existing law and applies to  
729 cases pending on July 1, 2020.

730           (e) Nothing herein limits any statutory or common-law  
731 right of any individual unit owner or class of unit owners to  
732 bring any action without participation by the association which  
733 may otherwise be available.

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734        (f) An association may not hire an attorney who represents  
735 the management company of the association.

736        (12) OFFICIAL RECORDS.—

737        (a) From the inception of the association, the association  
738 shall maintain each of the following items, if applicable, which  
739 constitutes the official records of the association:

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

742            2. A photocopy of the recorded declaration of condominium  
743 of each condominium operated by the association and each  
744 amendment to each declaration.

745            3. A photocopy of the recorded bylaws of the association  
746 and each amendment to the bylaws.

747            4. A certified copy of the articles of incorporation of  
748 the association, or other documents creating the association,  
749 and each amendment thereto.

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

751            6. A book or books that contain the minutes of all  
752 meetings of the association, the board of administration, and  
753 the unit owners.

754            7. A current roster of all unit owners and their mailing  
755 addresses, unit identifications, voting certifications, and, if  
756 known, telephone numbers. The association shall also maintain  
757 the e-mail addresses and facsimile numbers of unit owners  
758 consenting to receive notice by electronic transmission. The e-

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759 mail addresses and facsimile numbers are not accessible to unit  
760 owners if consent to receive notice by electronic transmission  
761 is not provided in accordance with sub-subparagraph (c)3.e.  
762 However, the association is not liable for an inadvertent  
763 disclosure of the e-mail address or facsimile number for  
764 receiving electronic transmission of notices.

765 8. All current insurance policies of the association and  
766 condominiums operated by the association.

767 9. A current copy of any management agreement, lease, or  
768 other contract to which the association is a party or under  
769 which the association or the unit owners have an obligation or  
770 responsibility.

771 10. Bills of sale or transfer for all property owned by  
772 the association.

773 11. Accounting records for the association and separate  
774 accounting records for each condominium that the association  
775 operates. Any person who knowingly or intentionally defaces or  
776 destroys such records, or who knowingly or intentionally fails  
777 to create or maintain such records, with the intent of causing  
778 harm to the association or one or more of its members, is  
779 personally subject to a civil penalty under s. 718.501(2)(d)  
780 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must  
781 include, but are not limited to:

782 a. Accurate, itemized, and detailed records of all  
783 receipts and expenditures.

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784           b. A current account and a monthly, bimonthly, or  
785 quarterly statement of the account for each unit designating the  
786 name of the unit owner, the due date and amount of each  
787 assessment, the amount paid on the account, and the balance due.

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

790           d. All contracts for work to be performed. Bids for work  
791 to be performed are also considered official records and must be  
792 maintained by the association for at least 1 year after receipt  
793 of the bid.

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

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

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

803           15. All other written records of the association not  
804 specifically included in the foregoing which are related to the  
805 operation of the association.

806           16. A copy of the inspection report as described in s.  
807 718.301(4)(p).

808           17. Bids for materials, equipment, or services.

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809 (b) The official records specified in subparagraphs (a)1.-  
810 6. must be permanently maintained from the inception of the  
811 association. Bids for work to be performed or for materials,  
812 equipment, or services must be maintained for at least 1 year  
813 after receipt of the bid. All other official records must be  
814 maintained within the state for at least 7 years, unless  
815 otherwise provided by general law. All official records must be  
816 maintained in a manner and format determined by the division so  
817 that the records are easily accessible for inspection. The  
818 records of the association shall be made available to a unit  
819 owner within 45 miles of the condominium property or within the  
820 county in which the condominium property is located within 10  
821 working days after receipt of a written request by the board or  
822 its designee. However, such distance requirement does not apply  
823 to an association governing a timeshare condominium. This  
824 paragraph may be complied with by having a copy of the official  
825 records of the association available for inspection or copying  
826 on the condominium property or association property, or the  
827 association may offer the option of making the records available  
828 to a unit owner electronically via the Internet or by allowing  
829 the records to be viewed in electronic format on a computer  
830 screen and printed upon request. The association is not  
831 responsible for the use or misuse of the information provided to  
832 an association member or his or her authorized representative in  
833 pursuant to the compliance with requirements of this chapter

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834 unless the association has an affirmative duty not to disclose  
835 such information under ~~pursuant to~~ this chapter.

836 (c)1. The official records of the association are open to  
837 inspection by any association member or the authorized  
838 representative of such member at all reasonable times. The right  
839 to inspect the records includes the right to make or obtain  
840 copies, at the reasonable expense, if any, of the member or  
841 authorized representative of such member. A renter of a unit  
842 only has a right to inspect and copy the declaration of  
843 condominium and association's bylaws and rules. The association  
844 must provide a checklist to the member or the authorized  
845 representative of such member of all records that are made  
846 available for inspection and copying in response to a written  
847 request. If any or all of the association's official records are  
848 not available, such records must be identified on the checklist  
849 provided to the person requesting the records. The checklist  
850 must be signed by a manager licensed under part VIII of chapter  
851 468 certifying that the checklist is accurate to the best of his  
852 or her knowledge and belief or the association must provide the  
853 person requesting the records a sworn affidavit attesting to the  
854 veracity of the checklist executed by the person responding to  
855 the written request on behalf of the association. The  
856 association must maintain a copy of the checklist and affidavit,  
857 if required, for at least 7 years. Delivery of the checklist and  
858 affidavit, if required, to the person requesting the records

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859 creates a rebuttable presumption that the association complied  
860 with this paragraph. The association may adopt reasonable rules  
861 regarding the frequency, time, location, notice, and manner of  
862 record inspections and copying, but may not require a member to  
863 demonstrate any purpose or state any reason for the inspection.  
864 The failure of an association to provide the records within 10  
865 working days after receipt of a written request creates a  
866 rebuttable presumption that the association willfully failed to  
867 comply with this paragraph. A unit owner who is denied access to  
868 official records is entitled to the actual damages or minimum  
869 damages for the association's willful failure to comply. Minimum  
870 damages are \$50 per calendar day for up to 10 days, beginning on  
871 the 11th working day after receipt of the written request. The  
872 failure to permit inspection entitles any person prevailing in  
873 an enforcement action to recover reasonable attorney fees from  
874 the person in control of the records who, directly or  
875 indirectly, knowingly denied access to the records.

876 2. Any person who knowingly or intentionally defaces or  
877 destroys accounting records that are required by this chapter to  
878 be maintained during the period for which such records are  
879 required to be maintained, or who knowingly or intentionally  
880 fails to create or maintain accounting records that are required  
881 to be created or maintained, with the intent of causing harm to  
882 the association or one or more of its members, is personally

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883 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~  
884 ~~718.501(1)(d)~~.

885 3. The association shall maintain an adequate number of  
886 copies of the declaration, articles of incorporation, bylaws,  
887 and rules, and all amendments to each of the foregoing, as well  
888 as the question and answer sheet as described in s. 718.504 and  
889 year-end financial information required under this section, on  
890 the condominium property to ensure their availability to unit  
891 owners and prospective purchasers, and may charge its actual  
892 costs for preparing and furnishing these documents to those  
893 requesting the documents. An association shall allow a member or  
894 his or her authorized representative to use a portable device,  
895 including a smartphone, tablet, portable scanner, or any other  
896 technology capable of scanning or taking photographs, to make an  
897 electronic copy of the official records in lieu of the  
898 association's providing the member or his or her authorized  
899 representative with a copy of such records. The association may  
900 not charge a member or his or her authorized representative for  
901 the use of a portable device. Notwithstanding this paragraph,  
902 the following records are not accessible to unit owners:

903 a. Any record protected by the lawyer-client privilege as  
904 described in s. 90.502 and any record protected by the work-  
905 product privilege, including a record prepared by an association  
906 attorney or prepared at the attorney's express direction, which  
907 reflects a mental impression, conclusion, litigation strategy,

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908 or legal theory of the attorney or the association, and which  
909 was prepared exclusively for civil or criminal litigation or for  
910 adversarial administrative proceedings, or which was prepared in  
911 anticipation of such litigation or proceedings until the  
912 conclusion of the litigation or proceedings.

913 b. Information obtained by an association in connection  
914 with the approval of the lease, sale, or other transfer of a  
915 unit.

916 c. Personnel records of association or management company  
917 employees, including, but not limited to, disciplinary, payroll,  
918 health, and insurance records. For purposes of this sub-  
919 subparagraph, the term "personnel records" does not include  
920 written employment agreements with an association employee or  
921 management company, or budgetary or financial records that  
922 indicate the compensation paid to an association employee.

923 d. Medical records of unit owners.

924 e. Social security numbers, driver license numbers, credit  
925 card numbers, e-mail addresses, telephone numbers, facsimile  
926 numbers, emergency contact information, addresses of a unit  
927 owner other than as provided to fulfill the association's notice  
928 requirements, and other personal identifying information of any  
929 person, excluding the person's name, unit designation, mailing  
930 address, property address, and any address, e-mail address, or  
931 facsimile number provided to the association to fulfill the  
932 association's notice requirements. Notwithstanding the

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933 restrictions in this sub-subparagraph, an association may print  
934 and distribute to unit ~~parcel~~ owners a directory containing the  
935 name, unit ~~parcel~~ address, and all telephone numbers of each  
936 unit ~~parcel~~ owner. However, an owner may exclude his or her  
937 telephone numbers from the directory by so requesting in writing  
938 to the association. An owner may consent in writing to the  
939 disclosure of other contact information described in this sub-  
940 subparagraph. The association is not liable for the inadvertent  
941 disclosure of information that is protected under this sub-  
942 subparagraph if the information is included in an official  
943 record of the association and is voluntarily provided by an  
944 owner and not requested by the association.

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

947 g. The software and operating system used by the  
948 association which allow the manipulation of data, even if the  
949 owner owns a copy of the same software used by the association.  
950 The data is part of the official records of the association.

951 (f) An outgoing board or committee member must relinquish  
952 all official records and property of the association in his or  
953 her possession or under his or her control to the incoming board  
954 within 5 days after the election. The division shall impose a  
955 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~

956 ~~718.501(1)(d)6.~~ against an outgoing board or committee member

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957 | who willfully and knowingly fails to relinquish such records and  
958 | property.

959 | (g)1. By January 1, 2019, an association managing a  
960 | condominium with 150 or more units which does not contain  
961 | timeshare units shall post digital copies of the documents  
962 | specified in subparagraph 2. on its website or make such  
963 | documents available through an application that can be  
964 | downloaded on a mobile device.

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

966 | (I) An independent website, application, or web portal  
967 | wholly owned and operated by the association; or

968 | (II) A website, application, or web portal operated by a  
969 | third-party provider with whom the association owns, leases,  
970 | rents, or otherwise obtains the right to operate a web page,  
971 | subpage, web portal, ~~or~~ collection of subpages or web portals,  
972 | or application which is dedicated to the association's  
973 | activities and on which required notices, records, and documents  
974 | may be posted or made available by the association.

975 | b. The association's website or application must be  
976 | accessible through the Internet and must contain a subpage, web  
977 | portal, or other protected electronic location that is  
978 | inaccessible to the general public and accessible only to unit  
979 | owners and employees of the association.

980 | c. Upon a unit owner's written request, the association  
981 | must provide the unit owner with a username and password and

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982 access to the protected sections of the association's website or  
983 application that contain any notices, records, or documents that  
984 must be electronically provided.

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

988 a. The recorded declaration of condominium of each  
989 condominium operated by the association and each amendment to  
990 each declaration.

991 b. The recorded bylaws of the association and each  
992 amendment to the bylaws.

993 c. The articles of incorporation of the association, or  
994 other documents creating the association, and each amendment to  
995 the articles of incorporation or other documents thereto. The  
996 copy posted pursuant to this sub-subparagraph must be a copy of  
997 the articles of incorporation filed with the Department of  
998 State.

999 d. The rules of the association.

1000 e. A list of all executory contracts or documents to which  
1001 the association is a party or under which the association or the  
1002 unit owners have an obligation or responsibility and, after  
1003 bidding for the related materials, equipment, or services has  
1004 closed, a list of bids received by the association within the  
1005 past year. Summaries of bids for materials, equipment, or  
1006 services which exceed \$500 must be maintained on the website or

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1007 application for 1 year. In lieu of summaries, complete copies of  
1008 the bids may be posted.

1009 f. The annual budget required by s. 718.112(2)(f) and any  
1010 proposed budget to be considered at the annual meeting.

1011 g. The financial report required by subsection (13) and  
1012 any monthly income or expense statement to be considered at a  
1013 meeting.

1014 h. The certification of each director required by s.  
1015 718.112(2)(d)4.b.

1016 i. All contracts or transactions between the association  
1017 and any director, officer, corporation, firm, or association  
1018 that is not an affiliated condominium association or any other  
1019 entity in which an association director is also a director or  
1020 officer and financially interested.

1021 j. Any contract or document regarding a conflict of  
1022 interest or possible conflict of interest as provided in ss.  
1023 468.436(2)(b)6. and 718.3027(3).

1024 k. The notice of any unit owner meeting and the agenda for  
1025 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
1026 days before the meeting. The notice must be posted in plain view  
1027 on the front page of the website or application, or on a  
1028 separate subpage of the website or application labeled "Notices"  
1029 which is conspicuously visible and linked from the front page.  
1030 The association must also post on its website or application any  
1031 document to be considered and voted on by the owners during the

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1032 meeting or any document listed on the agenda at least 7 days  
1033 before the meeting at which the document or the information  
1034 within the document will be considered.

1035 1. Notice of any board meeting, the agenda, and any other  
1036 document required for the meeting as required by s.  
1037 718.112(2)(c), which must be posted no later than the date  
1038 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

1039 3. The association shall ensure that the information and  
1040 records described in paragraph (c), which are not allowed to be  
1041 accessible to unit owners, are not posted on the association's  
1042 website or application. If protected information or information  
1043 restricted from being accessible to unit owners is included in  
1044 documents that are required to be posted on the association's  
1045 website or application, the association shall ensure the  
1046 information is redacted before posting the documents ~~online~~.  
1047 Notwithstanding the foregoing, the association or its agent is  
1048 not liable for disclosing information that is protected or  
1049 restricted under ~~pursuant to~~ this paragraph unless such  
1050 disclosure was made with a knowing or intentional disregard of  
1051 the protected or restricted nature of such information.

1052 4. The failure of the association to post information  
1053 required under subparagraph 2. is not in and of itself  
1054 sufficient to invalidate any action or decision of the  
1055 association's board or its committees.

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1056 Section 20. Paragraphs (d), (i), (j), (k), and (p) of  
1057 subsection (2) of section 718.112, Florida Statutes, are  
1058 amended, and paragraph (c) is added to subsection (1) of that  
1059 section, to read:

1060 718.112 Bylaws.—

1061 (1) GENERALLY.—

1062 (c) The association may extinguish a discriminatory  
1063 restriction as provided under s. 712.065.

1064 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
1065 following and, if they do not do so, shall be deemed to include  
1066 the following:

1067 (d) Unit owner meetings.—

1068 1. An annual meeting of the unit owners must be held at  
1069 the location provided in the association bylaws and, if the  
1070 bylaws are silent as to the location, the meeting must be held  
1071 within 45 miles of the condominium property. However, such  
1072 distance requirement does not apply to an association governing  
1073 a timeshare condominium.

1074 2. Unless the bylaws provide otherwise, a vacancy on the  
1075 board caused by the expiration of a director's term must be  
1076 filled by electing a new board member, and the election must be  
1077 by secret ballot. An election is not required if the number of  
1078 vacancies equals or exceeds the number of candidates. For  
1079 purposes of this paragraph, the term "candidate" means an  
1080 eligible person who has timely submitted the written notice, as

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1081 described in sub-subparagraph 4.a., of his or her intention to  
1082 become a candidate. Except in a timeshare or nonresidential  
1083 condominium, or if the staggered term of a board member does not  
1084 expire until a later annual meeting, or if all members' terms  
1085 would otherwise expire but there are no candidates, the terms of  
1086 all board members expire at the annual meeting, and such members  
1087 may stand for reelection unless prohibited by the bylaws. Board  
1088 members may serve terms longer than 1 year if permitted by the  
1089 bylaws or articles of incorporation. A board member may not  
1090 serve more than 8 consecutive years unless approved by an  
1091 affirmative vote of unit owners representing two-thirds of all  
1092 votes cast in the election or unless there are not enough  
1093 eligible candidates to fill the vacancies on the board at the  
1094 time of the vacancy. Only board service that occurs on or after  
1095 July 1, 2018, may be used when calculating a board member's term  
1096 limit. If the number of board members whose terms expire at the  
1097 annual meeting equals or exceeds the number of candidates, the  
1098 candidates become members of the board effective upon the  
1099 adjournment of the annual meeting. Unless the bylaws provide  
1100 otherwise, any remaining vacancies shall be filled by the  
1101 affirmative vote of the majority of the directors making up the  
1102 newly constituted board even if the directors constitute less  
1103 than a quorum or there is only one director. In a residential  
1104 condominium association of more than 10 units or in a  
1105 residential condominium association that does not include

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1106 timeshare units or timeshare interests, co-owners of a unit may  
1107 not serve as members of the board of directors at the same time  
1108 unless they own more than one unit or unless there are not  
1109 enough eligible candidates to fill the vacancies on the board at  
1110 the time of the vacancy. A unit owner in a residential  
1111 condominium desiring to be a candidate for board membership must  
1112 comply with sub-subparagraph 4.a. and must be eligible to be a  
1113 candidate to serve on the board of directors at the time of the  
1114 deadline for submitting a notice of intent to run in order to  
1115 have his or her name listed as a proper candidate on the ballot  
1116 or to serve on the board. A person who has been suspended or  
1117 removed by the division under this chapter, or who is delinquent  
1118 in the payment of any monetary obligation due to the  
1119 association, is not eligible to be a candidate for board  
1120 membership and may not be listed on the ballot. A person who has  
1121 been convicted of any felony in this state or in a United States  
1122 District or Territorial Court, or who has been convicted of any  
1123 offense in another jurisdiction which would be considered a  
1124 felony if committed in this state, is not eligible for board  
1125 membership unless such felon's civil rights have been restored  
1126 for at least 5 years as of the date such person seeks election  
1127 to the board. The validity of an action by the board is not  
1128 affected if it is later determined that a board member is  
1129 ineligible for board membership due to having been convicted of

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1130 a felony. This subparagraph does not limit the term of a member  
1131 of the board of a nonresidential or timeshare condominium.

1132 3. The bylaws must provide the method of calling meetings  
1133 of unit owners, including annual meetings. Written notice of an  
1134 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
1135 delivered, or electronically transmitted to each unit owner at  
1136 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in  
1137 a conspicuous place on the condominium property at least 14  
1138 continuous days before the annual meeting. Written notice of a  
1139 meeting other than an annual meeting must include an agenda; be  
1140 mailed, hand delivered, or electronically transmitted to each  
1141 unit owner; and be posted in a conspicuous place on the  
1142 condominium property in accordance with the minimum period of  
1143 time for posting a notice as set forth in the bylaws, and if the  
1144 bylaws do not provide such notice requirements, then at least 14  
1145 continuous days before the meeting. Upon notice to the unit  
1146 owners, the board shall, by duly adopted rule, designate a  
1147 specific location on the condominium property where all notices  
1148 of unit owner meetings must be posted. This requirement does not  
1149 apply if there is no condominium property for posting notices.  
1150 In lieu of, or in addition to, the physical posting of meeting  
1151 notices, the association may, by reasonable rule, adopt a  
1152 procedure for conspicuously posting and repeatedly broadcasting  
1153 the notice and the agenda on a closed-circuit cable television  
1154 system serving the condominium association. However, if

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1155 broadcast notice is used in lieu of a notice posted physically  
1156 on the condominium property, the notice and agenda must be  
1157 broadcast at least four times every broadcast hour of each day  
1158 that a posted notice is otherwise required under this section.  
1159 If broadcast notice is provided, the notice and agenda must be  
1160 broadcast in a manner and for a sufficient continuous length of  
1161 time so as to allow an average reader to observe the notice and  
1162 read and comprehend the entire content of the notice and the  
1163 agenda. In addition to any of the authorized means of providing  
1164 notice of a meeting of the board, the association may, by rule,  
1165 adopt a procedure for conspicuously posting the meeting notice  
1166 and the agenda on a website serving the condominium association  
1167 for at least the minimum period of time for which a notice of a  
1168 meeting is also required to be physically posted on the  
1169 condominium property. Any rule adopted shall, in addition to  
1170 other matters, include a requirement that the association send  
1171 an electronic notice in the same manner as a notice for a  
1172 meeting of the members, which must include a hyperlink to the  
1173 website where the notice is posted, to unit owners whose e-mail  
1174 addresses are included in the association's official records.  
1175 Unless a unit owner waives in writing the right to receive  
1176 notice of the annual meeting, such notice must be hand  
1177 delivered, mailed, or electronically transmitted to each unit  
1178 owner. Notice for meetings and notice for all other purposes  
1179 must be mailed to each unit owner at the address last furnished

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1180 to the association by the unit owner, or hand delivered to each  
1181 unit owner. However, if a unit is owned by more than one person,  
1182 the association must provide notice to the address that the  
1183 developer identifies for that purpose and thereafter as one or  
1184 more of the owners of the unit advise the association in  
1185 writing, or if no address is given or the owners of the unit do  
1186 not agree, to the address provided on the deed of record. An  
1187 officer of the association, or the manager or other person  
1188 providing notice of the association meeting, must provide an  
1189 affidavit or United States Postal Service certificate of  
1190 mailing, to be included in the official records of the  
1191 association affirming that the notice was mailed or hand  
1192 delivered in accordance with this provision.

1193 4. The members of the board of a residential condominium  
1194 shall be elected by written ballot or voting machine. Proxies  
1195 may not be used in electing the board in general elections or  
1196 elections to fill vacancies caused by recall, resignation, or  
1197 otherwise, unless otherwise provided in this chapter. This  
1198 subparagraph does not apply to an association governing a  
1199 timeshare condominium.

1200 a. At least 60 days before a scheduled election, the  
1201 association shall mail, deliver, or electronically transmit, by  
1202 separate association mailing or included in another association  
1203 mailing, delivery, or transmission, including regularly  
1204 published newsletters, to each unit owner entitled to a vote, a

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1205 first notice of the date of the election. A unit owner or other  
1206 eligible person desiring to be a candidate for the board must  
1207 give written notice of his or her intent to be a candidate to  
1208 the association at least 40 days before a scheduled election.  
1209 Together with the written notice and agenda as set forth in  
1210 subparagraph 3., the association shall mail, deliver, or  
1211 electronically transmit a second notice of the election to all  
1212 unit owners entitled to vote, together with a ballot that lists  
1213 all candidates not less than 14 days or more than 34 days before  
1214 the date of the election. Upon request of a candidate, an  
1215 information sheet, no larger than 8 1/2 inches by 11 inches,  
1216 which must be furnished by the candidate at least 35 days before  
1217 the election, must be included with the mailing, delivery, or  
1218 transmission of the ballot, with the costs of mailing, delivery,  
1219 or electronic transmission and copying to be borne by the  
1220 association. The association is not liable for the contents of  
1221 the information sheets prepared by the candidates. In order to  
1222 reduce costs, the association may print or duplicate the  
1223 information sheets on both sides of the paper. The division  
1224 shall by rule establish voting procedures consistent with this  
1225 sub-subparagraph, including rules establishing procedures for  
1226 giving notice by electronic transmission and rules providing for  
1227 the secrecy of ballots. Elections shall be decided by a  
1228 plurality of ballots cast. There is no quorum requirement;  
1229 however, at least 20 percent of the eligible voters must cast a

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1230 ballot in order to have a valid election. A unit owner may not  
1231 authorize any other person to vote his or her ballot, and any  
1232 ballots improperly cast are invalid. A unit owner who violates  
1233 this provision may be fined by the association in accordance  
1234 with s. 718.303. A unit owner who needs assistance in casting  
1235 the ballot for the reasons stated in s. 101.051 may obtain such  
1236 assistance. The regular election must occur on the date of the  
1237 annual meeting. Notwithstanding this sub-subparagraph, an  
1238 election is not required unless more candidates file notices of  
1239 intent to run or are nominated than board vacancies exist.

1240       b. Within 90 days after being elected or appointed to the  
1241 board of an association of a residential condominium, each newly  
1242 elected or appointed director shall certify in writing to the  
1243 secretary of the association that he or she has read the  
1244 association's declaration of condominium, articles of  
1245 incorporation, bylaws, and current written policies; that he or  
1246 she will work to uphold such documents and policies to the best  
1247 of his or her ability; and that he or she will faithfully  
1248 discharge his or her fiduciary responsibility to the  
1249 association's members. In lieu of this written certification,  
1250 within 90 days after being elected or appointed to the board,  
1251 the newly elected or appointed director may submit a certificate  
1252 of having satisfactorily completed the educational curriculum  
1253 administered by a division-approved condominium education  
1254 provider within 1 year before or 90 days after the date of

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1255 election or appointment. The written certification or  
1256 educational certificate is valid and does not have to be  
1257 resubmitted as long as the director serves on the board without  
1258 interruption. A director of an association of a residential  
1259 condominium who fails to timely file the written certification  
1260 or educational certificate is suspended from service on the  
1261 board until he or she complies with this sub-subparagraph. The  
1262 board may temporarily fill the vacancy during the period of  
1263 suspension. The secretary shall cause the association to retain  
1264 a director's written certification or educational certificate  
1265 for inspection by the members for 5 years after a director's  
1266 election or the duration of the director's uninterrupted tenure,  
1267 whichever is longer. Failure to have such written certification  
1268 or educational certificate on file does not affect the validity  
1269 of any board action.

1270 c. Any challenge to the election process must be commenced  
1271 within 60 days after the election results are announced.

1272 5. Any approval by unit owners called for by this chapter  
1273 or the applicable declaration or bylaws, including, but not  
1274 limited to, the approval requirement in s. 718.111(8), must be  
1275 made at a duly noticed meeting of unit owners and is subject to  
1276 all requirements of this chapter or the applicable condominium  
1277 documents relating to unit owner decisionmaking, except that  
1278 unit owners may take action by written agreement, without  
1279 meetings, on matters for which action by written agreement

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1280 without meetings is expressly allowed by the applicable bylaws  
1281 or declaration or any law that provides for such action.

1282 6. Unit owners may waive notice of specific meetings if  
1283 allowed by the applicable bylaws or declaration or any law.  
1284 Notice of meetings of the board of administration, unit owner  
1285 meetings, except unit owner meetings called to recall board  
1286 members under paragraph (j), and committee meetings may be given  
1287 by electronic transmission to unit owners who consent to receive  
1288 notice by electronic transmission. A unit owner who consents to  
1289 receiving notices by electronic transmission is solely  
1290 responsible for removing or bypassing filters that block receipt  
1291 of mass e-mails ~~emails~~ sent to members on behalf of the  
1292 association in the course of giving electronic notices.

1293 7. Unit owners have the right to participate in meetings  
1294 of unit owners with reference to all designated agenda items.  
1295 However, the association may adopt reasonable rules governing  
1296 the frequency, duration, and manner of unit owner participation.

1297 8. A unit owner may tape record or videotape a meeting of  
1298 the unit owners subject to reasonable rules adopted by the  
1299 division.

1300 9. Unless otherwise provided in the bylaws, any vacancy  
1301 occurring on the board before the expiration of a term may be  
1302 filled by the affirmative vote of the majority of the remaining  
1303 directors, even if the remaining directors constitute less than  
1304 a quorum, or by the sole remaining director. In the alternative,

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1305 a board may hold an election to fill the vacancy, in which case  
1306 the election procedures must conform to sub-subparagraph 4.a.  
1307 unless the association governs 10 units or fewer and has opted  
1308 out of the statutory election process, in which case the bylaws  
1309 of the association control. Unless otherwise provided in the  
1310 bylaws, a board member appointed or elected under this section  
1311 shall fill the vacancy for the unexpired term of the seat being  
1312 filled. Filling vacancies created by recall is governed by  
1313 paragraph (j) and rules adopted by the division.

1314 10. This chapter does not limit the use of general or  
1315 limited proxies, require the use of general or limited proxies,  
1316 or require the use of a written ballot or voting machine for any  
1317 agenda item or election at any meeting of a timeshare  
1318 condominium association or nonresidential condominium  
1319 association.

1320  
1321 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1322 association of 10 or fewer units may, by affirmative vote of a  
1323 majority of the total voting interests, provide for different  
1324 voting and election procedures in its bylaws, which may be by a  
1325 proxy specifically delineating the different voting and election  
1326 procedures. The different voting and election procedures may  
1327 provide for elections to be conducted by limited or general  
1328 proxy.

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1329 (i) Transfer fees.—~~An association may not ~~no~~ charge a fee~~  
1330 ~~shall be made by the association or any body thereof in~~  
1331 ~~connection with the sale, mortgage, lease, sublease, or other~~  
1332 ~~transfer of a unit unless the association is required to approve~~  
1333 ~~such transfer and a fee for such approval is provided for in the~~  
1334 ~~declaration, articles, or bylaws. Any such fee may be preset,~~  
1335 ~~but may not in no event may such fee exceed \$150 ~~\$100~~ per~~  
1336 ~~applicant other than spouses or parent and dependent child, who~~  
1337 ~~husband/wife or parent/dependent child, which are considered one~~  
1338 ~~applicant. However, if the lease or sublease is a renewal of a~~  
1339 ~~lease or sublease with the same lessee or sublessee, a charge~~  
1340 ~~may not ~~no~~ charge shall be made. Such fees shall be adjusted~~  
1341 ~~every 5 years in an amount equal to the total of the annual~~  
1342 ~~increases for that 5-year period in the Consumer Price Index for~~  
1343 ~~All Urban Consumers, U.S. City Average, All Items. The~~  
1344 ~~Department of Business and Professional Regulation shall~~  
1345 ~~periodically calculate the fees, rounded to the nearest dollar,~~  
1346 ~~and publish the amounts, as adjusted, on its website. The~~  
1347 ~~foregoing notwithstanding, an association may, if the authority~~  
1348 ~~to do so appears in the declaration, articles, or bylaws,~~  
1349 ~~require that a prospective lessee place a security deposit, in~~  
1350 ~~an amount not to exceed the equivalent of 1 month's rent, into~~  
1351 ~~an escrow account maintained by the association. The security~~  
1352 ~~deposit shall protect against damages to the common elements or~~  
1353 ~~association property. Payment of interest, claims against the~~

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1354 deposit, refunds, and disputes under this paragraph shall be  
1355 handled in the same fashion as provided in part II of chapter  
1356 83.

1357 (j) Recall of board members.—Subject to s. 718.301, any  
1358 member of the board of administration may be recalled and  
1359 removed from office with or without cause by the vote or  
1360 agreement in writing by a majority of all the voting interests.  
1361 A special meeting of the unit owners to recall a member or  
1362 members of the board of administration may be called by 10  
1363 percent of the voting interests giving notice of the meeting as  
1364 required for a meeting of unit owners, and the notice shall  
1365 state the purpose of the meeting. Electronic transmission may  
1366 not be used as a method of giving notice of a meeting called in  
1367 whole or in part for this purpose.

1368 1. If the recall is approved by a majority of all voting  
1369 interests by a vote at a meeting, the recall will be effective  
1370 as provided in this paragraph. The board shall duly notice and  
1371 hold a board meeting within 5 full business days after the  
1372 adjournment of the unit owner meeting to recall one or more  
1373 board members. Such member or members shall be recalled  
1374 effective immediately upon conclusion of the board meeting,  
1375 provided that the recall is facially valid. A recalled member  
1376 must turn over to the board, within 10 full business days after  
1377 the vote, any and all records and property of the association in  
1378 their possession.

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1379           2. If the proposed recall is by an agreement in writing by  
1380 a majority of all voting interests, the agreement in writing or  
1381 a copy thereof shall be served on the association by certified  
1382 mail or by personal service in the manner authorized by chapter  
1383 48 and the Florida Rules of Civil Procedure. The board of  
1384 administration shall duly notice and hold a meeting of the board  
1385 within 5 full business days after receipt of the agreement in  
1386 writing. Such member or members shall be recalled effective  
1387 immediately upon the conclusion of the board meeting, provided  
1388 that the recall is facially valid. A recalled member must turn  
1389 over to the board, within 10 full business days, any and all  
1390 records and property of the association in their possession.

1391           3. If the board fails to duly notice and hold a board  
1392 meeting within 5 full business days after service of an  
1393 agreement in writing or within 5 full business days after the  
1394 adjournment of the unit owner recall meeting, the recall is  
1395 ~~shall be~~ deemed effective and the board members so recalled  
1396 shall turn over to the board within 10 full business days after  
1397 the vote any and all records and property of the association.

1398           4. If the board fails to duly notice and hold the required  
1399 meeting or at the conclusion of the meeting determines that the  
1400 recall is not facially valid, the unit owner representative may  
1401 file a petition or court action under ~~pursuant to~~ s. 718.1255  
1402 challenging the board's failure to act or challenging the  
1403 board's determination on facial validity. The petition or action

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1404 must be filed within 60 days after the expiration of the  
1405 applicable 5-full-business-day period. The review of a petition  
1406 or action under this subparagraph is limited to the sufficiency  
1407 of service on the board and the facial validity of the written  
1408 agreement or ballots filed.

1409 5. If a vacancy occurs on the board as a result of a  
1410 recall or removal and less than a majority of the board members  
1411 are removed, the vacancy may be filled by the affirmative vote  
1412 of a majority of the remaining directors, notwithstanding any  
1413 provision to the contrary contained in this subsection. If  
1414 vacancies occur on the board as a result of a recall and a  
1415 majority or more of the board members are removed, the vacancies  
1416 shall be filled in accordance with procedural rules to be  
1417 adopted by the division, which rules need not be consistent with  
1418 this subsection. The rules must provide procedures governing the  
1419 conduct of the recall election as well as the operation of the  
1420 association during the period after a recall but before the  
1421 recall election.

1422 6. A board member who has been recalled may file a  
1423 petition or court action under ~~pursuant to~~ s. 718.1255  
1424 challenging the validity of the recall. The petition or action  
1425 must be filed within 60 days after the recall. The association  
1426 and the unit owner representative shall be named as the  
1427 respondents. The petition or action may challenge the facial  
1428 validity of the written agreement or ballots filed or the

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1429 substantial compliance with the procedural requirements for the  
1430 recall. If the arbitrator or court determines the recall was  
1431 invalid, the petitioning board member shall immediately be  
1432 reinstated and the recall is null and void. A board member who  
1433 is successful in challenging a recall is entitled to recover  
1434 reasonable attorney fees and costs from the respondents. The  
1435 arbitrator or court may award reasonable attorney fees and costs  
1436 to the respondents if they prevail, if the arbitrator or court  
1437 makes a finding that the petitioner's claim is frivolous.

1438 7. The division or a court of competent jurisdiction may  
1439 not accept for filing a recall petition or court action, whether  
1440 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,  
1441 subparagraph 4., or subparagraph 6. when there are 60 or fewer  
1442 days until the scheduled reelection of the board member sought  
1443 to be recalled or when 60 or fewer days have elapsed since the  
1444 election of the board member sought to be recalled.

1445 (k) Alternative dispute resolution Arbitration.—There must  
1446 ~~shall~~ be a provision for mandatory alternative dispute  
1447 resolution ~~nonbinding arbitration~~ as provided for in s. 718.1255  
1448 for any residential condominium.

1449 ~~(p) Service providers; conflicts of interest. An~~  
1450 ~~association, which is not a timeshare condominium association,~~  
1451 ~~may not employ or contract with any service provider that is~~  
1452 ~~owned or operated by a board member or with any person who has a~~  
1453 ~~financial relationship with a board member or officer, or a~~

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1454 ~~relative within the third degree of consanguinity by blood or~~  
1455 ~~marriage of a board member or officer. This paragraph does not~~  
1456 ~~apply to a service provider in which a board member or officer,~~  
1457 ~~or a relative within the third degree of consanguinity by blood~~  
1458 ~~or marriage of a board member or officer, owns less than 1~~  
1459 ~~percent of the equity shares.~~

1460 Section 21. Subsection (8) of section 718.113, Florida  
1461 Statutes, is amended to read:

1462 718.113 Maintenance; limitation upon improvement; display  
1463 of flag; hurricane shutters and protection; display of religious  
1464 decorations.-

1465 (8) The Legislature finds that the use of electric and  
1466 natural gas fuel vehicles conserves and protects the state's  
1467 environmental resources, provides significant economic savings  
1468 to drivers, and serves an important public interest. The  
1469 participation of condominium associations is essential to the  
1470 state's efforts to conserve and protect the state's  
1471 environmental resources and provide economic savings to drivers.  
1472 For purposes of this subsection, the term "natural gas fuel" has  
1473 the same meaning as in s. 206.9951, and the term "natural gas  
1474 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
1475 that is powered by natural gas fuel. Therefore, the installation  
1476 of an electric vehicle charging station or natural gas fuel  
1477 station shall be governed as follows:

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1478 (a) A declaration of condominium or restrictive covenant  
1479 may not prohibit or be enforced so as to prohibit any unit owner  
1480 from installing an electric vehicle charging station or natural  
1481 gas fuel station within the boundaries of the unit owner's  
1482 limited common element or exclusively designated parking area.  
1483 The board of administration of a condominium association may not  
1484 prohibit a unit owner from installing an electric vehicle  
1485 charging station for an electric vehicle, as defined in s.  
1486 320.01, or a natural gas fuel station for a natural gas fuel  
1487 vehicle within the boundaries of his or her limited common  
1488 element or exclusively designated parking area. The installation  
1489 of such charging or fuel stations are subject to the provisions  
1490 of this subsection.

1491 (b) The installation may not cause irreparable damage to  
1492 the condominium property.

1493 (c) The electricity for the electric vehicle charging  
1494 station or natural gas fuel station must be separately metered  
1495 or metered by an embedded meter and payable by the unit owner  
1496 installing such charging or fuel station or by his or her  
1497 successor.

1498 (d) The cost for supply and storage of the natural gas  
1499 fuel must be paid by the unit owner installing the natural gas  
1500 fuel station or by his or her successor.

1501 (e) ~~(d)~~ The unit owner who is installing an electric  
1502 vehicle charging station or natural gas fuel station is

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1503 responsible for the costs of installation, operation,  
1504 maintenance, and repair, including, but not limited to, hazard  
1505 and liability insurance. The association may enforce payment of  
1506 such costs under ~~pursuant to~~ s. 718.116.

1507 (f)(e) If the unit owner or his or her successor decides  
1508 there is no longer a need for the electronic vehicle charging  
1509 station or natural gas fuel station, such person is responsible  
1510 for the cost of removal of such ~~the electronic vehicle~~ charging  
1511 or fuel station. The association may enforce payment of such  
1512 costs under ~~pursuant to~~ s. 718.116.

1513 (g) The unit owner installing, maintaining, or removing  
1514 the electric vehicle charging station or natural gas fuel  
1515 station is responsible for complying with all federal, state, or  
1516 local laws and regulations applicable to such installation,  
1517 maintenance, or removal.

1518 (h)(f) The association may require the unit owner to:

1519 1. Comply with bona fide safety requirements, consistent  
1520 with applicable building codes or recognized safety standards,  
1521 for the protection of persons and property.

1522 2. Comply with reasonable architectural standards adopted  
1523 by the association that govern the dimensions, placement, or  
1524 external appearance of the electric vehicle charging station or  
1525 natural gas fuel station, provided that such standards may not  
1526 prohibit the installation of such charging or fuel station or  
1527 substantially increase the cost thereof.

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1528 3. Engage the services of a licensed and registered firm  
1529 ~~electrical contractor or engineer~~ familiar with the installation  
1530 or removal and core requirements of an electric vehicle charging  
1531 station or natural gas fuel station.

1532 4. Provide a certificate of insurance naming the  
1533 association as an additional insured on the owner's insurance  
1534 policy for any claim related to the installation, maintenance,  
1535 or use of the electric vehicle charging station or natural gas  
1536 fuel station within 14 days after receiving the association's  
1537 approval to install such charging or fuel station or notice to  
1538 provide such a certificate.

1539 5. Reimburse the association for the actual cost of any  
1540 increased insurance premium amount attributable to the electric  
1541 vehicle charging station or natural gas fuel station within 14  
1542 days after receiving the association's insurance premium  
1543 invoice.

1544 (i) ~~(g)~~ The association provides an implied easement across  
1545 the common elements of the condominium property to the unit  
1546 owner for purposes of ~~the installation of the~~ electric vehicle  
1547 charging station or natural gas fuel station installation, and  
1548 the furnishing of electrical power or natural gas fuel supply,  
1549 including any necessary equipment, to such charging or fuel  
1550 station, subject to the requirements of this subsection.

1551 Section 22. Subsection (16) of section 718.117, Florida  
1552 Statutes, is amended to read:

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1553 718.117 Termination of condominium.—  
1554 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest  
1555 a plan of termination by initiating a petition in accordance  
1556 with ~~for mandatory nonbinding arbitration pursuant to s.~~  
1557 718.1255 within 90 days after the date the plan is recorded. A  
1558 unit owner or lienor may only contest the fairness and  
1559 reasonableness of the apportionment of the proceeds from the  
1560 sale among the unit owners, that the liens of the first  
1561 mortgages of unit owners other than the bulk owner have not or  
1562 will not be satisfied to the extent required by subsection (3),  
1563 or that the required vote to approve the plan was not obtained.  
1564 A unit owner or lienor who does not contest the plan within the  
1565 90-day period is barred from asserting or prosecuting a claim  
1566 against the association, the termination trustee, any unit  
1567 owner, or any successor in interest to the condominium property.  
1568 In an action contesting a plan of termination, the person  
1569 contesting the plan has the burden of pleading and proving that  
1570 the apportionment of the proceeds from the sale among the unit  
1571 owners was not fair and reasonable or that the required vote was  
1572 not obtained. The apportionment of sale proceeds is presumed  
1573 fair and reasonable if it was determined pursuant to the methods  
1574 prescribed in subsection (12). If the petition is filed with the  
1575 division for arbitration, the arbitrator shall determine the  
1576 rights and interests of the parties in the apportionment of the  
1577 sale proceeds. If the arbitrator determines that the

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1578 appportionment of sales proceeds is not fair and reasonable, the  
1579 arbitrator may void the plan or may modify the plan to apportion  
1580 the proceeds in a fair and reasonable manner pursuant to this  
1581 section based upon the proceedings and order the modified plan  
1582 of termination to be implemented. If the arbitrator determines  
1583 that the plan was not properly approved, or that the procedures  
1584 to adopt the plan were not properly followed, the arbitrator may  
1585 void the plan or grant other relief it deems just and proper.  
1586 The arbitrator shall automatically void the plan upon a finding  
1587 that any of the disclosures required in subparagraph (3)(c)5.  
1588 are omitted, misleading, incomplete, or inaccurate. Any  
1589 challenge to a plan, other than a challenge that the required  
1590 vote was not obtained, does not affect title to the condominium  
1591 property or the vesting of the condominium property in the  
1592 trustee, but shall only be a claim against the proceeds of the  
1593 plan. In any such action, the prevailing party shall recover  
1594 reasonable attorney fees and costs.

1595 Section 23. Subsection (2) of section 718.121, Florida  
1596 Statutes, is amended to read:

1597 718.121 Liens.—

1598 (2) Labor performed on or materials furnished to a unit  
1599 may shall not be the basis for the filing of a lien under  
1600 ~~pursuant to~~ part I of chapter 713, the Construction Lien Law,  
1601 against the unit or condominium parcel of any unit owner not  
1602 expressly consenting to or requesting the labor or materials.

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1603 Labor performed on or materials furnished for the installation  
1604 of a natural gas fuel station or an electronic vehicle charging  
1605 station under ~~pursuant to~~ s. 718.113(8) may not be the basis for  
1606 filing a lien under part I of chapter 713 against the  
1607 association, but such a lien may be filed against the unit  
1608 owner. Labor performed on or materials furnished to the common  
1609 elements are not the basis for a lien on the common elements,  
1610 but if authorized by the association, the labor or materials are  
1611 deemed to be performed or furnished with the express consent of  
1612 each unit owner and may be the basis for the filing of a lien  
1613 against all condominium parcels in the proportions for which the  
1614 owners are liable for common expenses.

1615 Section 24. Subsections (5) and (6) of section 718.1255,  
1616 Florida Statutes, are renumbered as subsections (6) and (7),  
1617 respectively, subsection (2) and paragraph (a) of subsection (4)  
1618 of that section are amended, and a new subsection (5) is added  
1619 to that section, to read:

1620 718.1255 Alternative dispute resolution; ~~voluntary~~  
1621 mediation; ~~mandatory~~ nonbinding arbitration; legislative  
1622 findings.—

1623 (2) ~~VOLUNTARY~~ MEDIATION.—~~Voluntary~~ Mediation through  
1624 Citizen Dispute Settlement Centers as provided for in s. 44.201  
1625 is encouraged.

1626 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF  
1627 DISPUTES.—The Division of Florida Condominiums, Timeshares, and

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1628 Mobile Homes of the Department of Business and Professional  
1629 Regulation may employ full-time attorneys to act as arbitrators  
1630 to conduct the arbitration hearings provided by this chapter.  
1631 The division may also certify attorneys who are not employed by  
1632 the division to act as arbitrators to conduct the arbitration  
1633 hearings provided by this chapter. A ~~No~~ person may not be  
1634 employed by the department as a full-time arbitrator unless he  
1635 or she is a member in good standing of The Florida Bar. A person  
1636 may only be certified by the division to act as an arbitrator if  
1637 he or she has been a member in good standing of The Florida Bar  
1638 for at least 5 years and has mediated or arbitrated at least 10  
1639 disputes involving condominiums in this state during the 3 years  
1640 immediately preceding the date of application, mediated or  
1641 arbitrated at least 30 disputes in any subject area in this  
1642 state during the 3 years immediately preceding the date of  
1643 application, or attained board certification in real estate law  
1644 or condominium and planned development law from The Florida Bar.  
1645 Arbitrator certification is valid for 1 year. An arbitrator who  
1646 does not maintain the minimum qualifications for initial  
1647 certification may not have his or her certification renewed. The  
1648 department may not enter into a legal services contract for an  
1649 arbitration hearing under this chapter with an attorney who is  
1650 not a certified arbitrator unless a certified arbitrator is not  
1651 available within 50 miles of the dispute. The department shall  
1652 adopt rules of procedure to govern such arbitration hearings

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1653 including mediation incident thereto. The decision of an  
1654 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not  
1655 ~~be~~ deemed final agency action. Nothing in this provision shall  
1656 be construed to foreclose parties from proceeding in a trial de  
1657 novo unless the parties have agreed that the arbitration is  
1658 binding. If judicial proceedings are initiated, the final  
1659 decision of the arbitrator is ~~shall be~~ admissible in evidence in  
1660 the trial de novo.

1661 (a) Before ~~Prior to~~ the institution of court litigation, a  
1662 party to a dispute, other than an election or recall dispute,  
1663 shall either petition the division for nonbinding arbitration or  
1664 initiate presuit mediation as provided in subsection (5).  
1665 Arbitration is binding on the parties if all parties in  
1666 arbitration agree to be bound in a writing filed in arbitration.  
1667 The petition must be accompanied by a filing fee in the amount  
1668 of \$50. Filing fees collected under this section must be used to  
1669 defray the expenses of the alternative dispute resolution  
1670 program.

1671 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
1672 nonbinding arbitration as set forth in subsections (1)-(4), a  
1673 party may submit a dispute to presuit mediation in accordance  
1674 with s. 720.311. Election and recall disputes are not eligible  
1675 for mediation and such disputes must be arbitrated by the  
1676 division or filed in a court of competent jurisdiction.

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1677 Section 25. Subsection (3) of section 718.202, Florida  
1678 Statutes, is amended to read:  
1679 718.202 Sales or reservation deposits prior to closing.—  
1680 (3) If the contract for sale of the condominium unit so  
1681 provides, the developer may withdraw escrow funds in excess of  
1682 10 percent of the purchase price from the special account  
1683 required by subsection (2) when the construction of improvements  
1684 has begun. He or she may use the funds for the actual costs  
1685 incurred by the developer in the ~~actual~~ construction and  
1686 development of the condominium property in which the unit to be  
1687 sold is located. Actual costs include, but are not limited to,  
1688 expenditures for demolition, site clearing, permit fees, impact  
1689 fees, and utility reservation fees, as well as architectural,  
1690 engineering, and surveying fees that directly relate to  
1691 construction and development. However, no part of these funds  
1692 may be used for salaries, commissions, or expenses of  
1693 salespersons; ~~or~~ for advertising, marketing, or promotional  
1694 purposes; or for loan fees, costs or interest, attorney fees,  
1695 accounting fees, or insurance. A contract which permits use of  
1696 the advance payments for these purposes shall include the  
1697 following legend conspicuously printed or stamped in boldfaced  
1698 type on the first page of the contract and immediately above the  
1699 place for the signature of the buyer: ANY PAYMENT IN EXCESS OF  
1700 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO

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1701 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION  
1702 PURPOSES BY THE DEVELOPER.

1703 Section 26. Subsection (1) and paragraph (b) of subsection  
1704 (3) of section 718.303, Florida Statutes, are amended to read:

1705 718.303 Obligations of owners and occupants; remedies.—

1706 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
1707 ~~each~~ association is governed by, and must comply with the  
1708 provisions of, this chapter, the declaration, the documents  
1709 creating the association, and the association bylaws which are  
1710 ~~shall be deemed~~ expressly incorporated into any lease of a unit.

1711 Actions at law or in equity ~~for damages or for injunctive~~  
1712 ~~relief~~, or both, for failure to comply with these provisions may  
1713 be brought by the association or by a unit owner against:

1714 (a) The association.

1715 (b) A unit owner.

1716 (c) Directors designated by the developer, for actions  
1717 taken by them before control of the association is assumed by  
1718 unit owners other than the developer.

1719 (d) Any director who willfully and knowingly fails to  
1720 comply with these provisions.

1721 (e) Any tenant leasing a unit, and any other invitee  
1722 occupying a unit.

1723  
1724 The prevailing party in any such action or in any action in  
1725 which the purchaser claims a right of voidability based upon

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1726 contractual provisions as required in s. 718.503(1)(a) is  
1727 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
1728 owner prevailing in an action between the association and the  
1729 unit owner under this subsection ~~section~~, in addition to  
1730 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
1731 recover additional amounts as determined by the court to be  
1732 necessary to reimburse the unit owner for his or her share of  
1733 assessments levied by the association to fund its expenses of  
1734 the litigation. This relief does not exclude other remedies  
1735 provided by law. Actions arising under this subsection are not  
1736 considered ~~may not be deemed to be~~ actions for specific  
1737 performance.

1738 (3) The association may levy reasonable fines for the  
1739 failure of the owner of the unit or its occupant, licensee, or  
1740 invitee to comply with any provision of the declaration, the  
1741 association bylaws, or reasonable rules of the association. A  
1742 fine may not become a lien against a unit. A fine may be levied  
1743 by the board on the basis of each day of a continuing violation,  
1744 with a single notice and opportunity for hearing before a  
1745 committee as provided in paragraph (b). However, the fine may  
1746 not exceed \$100 per violation, or \$1,000 in the aggregate.

1747 (b) A fine or suspension levied by the board of  
1748 administration may not be imposed unless the board first  
1749 provides at least 14 days' written notice to the unit owner and,  
1750 if applicable, any tenant ~~occupant~~, licensee, or invitee of the

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1751 unit owner sought to be fined or suspended, and an opportunity  
1752 for a hearing before a committee of at least three members  
1753 appointed by the board who are not officers, directors, or  
1754 employees of the association, or the spouse, parent, child,  
1755 brother, or sister of an officer, director, or employee. The  
1756 role of the committee is limited to determining whether to  
1757 confirm or reject the fine or suspension levied by the board. If  
1758 the committee does not approve the proposed fine or suspension  
1759 by majority vote, the fine or suspension may not be imposed. If  
1760 the proposed fine or suspension is approved by the committee,  
1761 the fine payment is due 5 days after notice of the approved fine  
1762 is provided to the unit owner and, if applicable, to any tenant,  
1763 licensee, or invitee of the unit owner ~~the date of the committee~~  
1764 ~~meeting at which the fine is approved.~~ The association must  
1765 provide written notice of such fine or suspension by mail or  
1766 hand delivery to the unit owner and, if applicable, to any  
1767 tenant, licensee, or invitee of the unit owner.

1768 Section 27. Section 718.501, Florida Statutes, is amended  
1769 to read:

1770 718.501 Authority, responsibility, and duties of Division  
1771 of Florida Condominiums, Timeshares, and Mobile Homes.—

1772 (1) As used in this section, the term "financial issue"  
1773 means an issue related to operating budgets; reserve schedules;  
1774 accounting records under s. 718.111(12)(a)11.; notices of  
1775 meetings; minutes of meetings discussing budget or financial

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1776 issues; assessments for common expenses, fees, or fines; the  
1777 commingling of funds; and any other record necessary to  
1778 determine the revenues and expenses of the association. The  
1779 division may adopt rules to further define what a financial  
1780 issue is under this section and to adopt the checklist provided  
1781 for in s. 718.111(12)(c)1.

1782 (2)~~(1)~~ The division may enforce and ensure compliance with  
1783 ~~the provisions of~~ this chapter and rules relating to the  
1784 development, construction, sale, lease, ownership, operation,  
1785 and management of residential condominium units. In performing  
1786 its duties, the division has complete jurisdiction to  
1787 investigate complaints and enforce compliance with respect to  
1788 associations that are still under developer control or the  
1789 control of a bulk assignee or bulk buyer pursuant to part VII of  
1790 this chapter and complaints against developers, bulk assignees,  
1791 or bulk buyers involving improper turnover or failure to  
1792 turnover, pursuant to s. 718.301. However, after turnover has  
1793 occurred, the division has jurisdiction to investigate  
1794 complaints related only to financial issues, elections, and the  
1795 maintenance of and unit owner access to association records  
1796 under ~~pursuant to~~ s. 718.111(12).

1797 (a)1. The division may make necessary public or private  
1798 investigations within or outside this state to determine whether  
1799 any person has violated this chapter or any rule or order

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1800 hereunder, to aid in the enforcement of this chapter, or to aid  
1801 in the adoption of rules or forms.

1802 2. The division may submit any official written report,  
1803 worksheet, or other related paper, or a duly certified copy  
1804 thereof, compiled, prepared, drafted, or otherwise made by and  
1805 duly authenticated by a financial examiner or analyst to be  
1806 admitted as competent evidence in any hearing in which the  
1807 financial examiner or analyst is available for cross-examination  
1808 and attests under oath that such documents were prepared as a  
1809 result of an examination or inspection conducted pursuant to  
1810 this chapter.

1811 (b) The division may require or permit any person to file  
1812 a statement in writing, under oath or otherwise, as the division  
1813 determines, as to the facts and circumstances concerning a  
1814 matter to be investigated.

1815 (c) For the purpose of any investigation under this  
1816 chapter, the division director or any officer or employee  
1817 designated by the division director may administer oaths or  
1818 affirmations, subpoena witnesses and compel their attendance,  
1819 take evidence, and require the production of any matter which is  
1820 relevant to the investigation, including the existence,  
1821 description, nature, custody, condition, and location of any  
1822 books, documents, or other tangible things and the identity and  
1823 location of persons having knowledge of relevant facts or any  
1824 other matter reasonably calculated to lead to the discovery of

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1825 material evidence. Upon the failure by a person to obey a  
1826 subpoena or to answer questions propounded by the investigating  
1827 officer and upon reasonable notice to all affected persons, the  
1828 division may apply to the circuit court for an order compelling  
1829 compliance.

1830 (d) Notwithstanding any remedies available to unit owners  
1831 and associations, if the division has reasonable cause to  
1832 believe that a violation of any provision of this chapter or  
1833 related rule has occurred, the division may institute  
1834 enforcement proceedings in its own name against any developer,  
1835 bulk assignee, bulk buyer, association, officer, or member of  
1836 the board of administration, or its assignees or agents, as  
1837 follows:

1838 1. The division may permit a person whose conduct or  
1839 actions may be under investigation to waive formal proceedings  
1840 and enter into a consent proceeding whereby orders, rules, or  
1841 letters of censure or warning, whether formal or informal, may  
1842 be entered against the person.

1843 2. The division may issue an order requiring the  
1844 developer, bulk assignee, bulk buyer, association, developer-  
1845 designated officer, or developer-designated member of the board  
1846 of administration, developer-designated assignees or agents,  
1847 bulk assignee-designated assignees or agents, bulk buyer-  
1848 designated assignees or agents, community association manager,  
1849 or community association management firm to cease and desist

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1850 from the unlawful practice and take such affirmative action as  
1851 in the judgment of the division carry out the purposes of this  
1852 chapter. If the division finds that a developer, bulk assignee,  
1853 bulk buyer, association, officer, or member of the board of  
1854 administration, or its assignees or agents, is violating or is  
1855 about to violate any provision of this chapter, any rule adopted  
1856 or order issued by the division, or any written agreement  
1857 entered into with the division, and presents an immediate danger  
1858 to the public requiring an immediate final order, it may issue  
1859 an emergency cease and desist order reciting with particularity  
1860 the facts underlying such findings. The emergency cease and  
1861 desist order is effective for 90 days. If the division begins  
1862 nonemergency cease and desist proceedings, the emergency cease  
1863 and desist order remains effective until the conclusion of the  
1864 proceedings under ss. 120.569 and 120.57.

1865 3. If a developer, bulk assignee, or bulk buyer, fails to  
1866 pay any restitution determined by the division to be owed, plus  
1867 any accrued interest at the highest rate permitted by law,  
1868 within 30 days after expiration of any appellate time period of  
1869 a final order requiring payment of restitution or the conclusion  
1870 of any appeal thereof, whichever is later, the division must  
1871 bring an action in circuit or county court on behalf of any  
1872 association, class of unit owners, lessees, or purchasers for  
1873 restitution, declaratory relief, injunctive relief, or any other  
1874 available remedy. The division may also temporarily revoke its

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1875 acceptance of the filing for the developer to which the  
1876 restitution relates until payment of restitution is made.

1877 4. The division may petition the court for appointment of  
1878 a receiver or conservator. If appointed, the receiver or  
1879 conservator may take action to implement the court order to  
1880 ensure the performance of the order and to remedy any breach  
1881 thereof. In addition to all other means provided by law for the  
1882 enforcement of an injunction or temporary restraining order, the  
1883 circuit court may impound or sequester the property of a party  
1884 defendant, including books, papers, documents, and related  
1885 records, and allow the examination and use of the property by  
1886 the division and a court-appointed receiver or conservator.

1887 5. The division may apply to the circuit court for an  
1888 order of restitution whereby the defendant in an action brought  
1889 under ~~pursuant to~~ subparagraph 4. is ordered to make restitution  
1890 of those sums shown by the division to have been obtained by the  
1891 defendant in violation of this chapter. At the option of the  
1892 court, such restitution is payable to the conservator or  
1893 receiver appointed under ~~pursuant to~~ subparagraph 4. or directly  
1894 to the persons whose funds or assets were obtained in violation  
1895 of this chapter.

1896 6. The division may impose a civil penalty against a  
1897 developer, bulk assignee, or bulk buyer, or association, or its  
1898 assignee or agent, for any violation of this chapter or related  
1899 rule. The division may impose a civil penalty individually

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1900 against an officer or board member who willfully and knowingly  
1901 violates ~~a provision of~~ this chapter, adopted rule, or a final  
1902 order of the division; may order the removal of such individual  
1903 as an officer or from the board of administration or as an  
1904 officer of the association; and may prohibit such individual  
1905 from serving as an officer or on the board of a community  
1906 association for a period of time. The term "willfully and  
1907 knowingly" means that the division informed the officer or board  
1908 member that his or her action or intended action violates this  
1909 chapter, a rule adopted under this chapter, or a final order of  
1910 the division and that the officer or board member refused to  
1911 comply with the requirements of this chapter, a rule adopted  
1912 under this chapter, or a final order of the division. The  
1913 division, before initiating formal agency action under chapter  
1914 120, must afford the officer or board member an opportunity to  
1915 voluntarily comply, and an officer or board member who complies  
1916 within 10 days is not subject to a civil penalty. A penalty may  
1917 be imposed on the basis of each day of continuing violation, but  
1918 the penalty for any offense may not exceed \$5,000. ~~By January 1,~~  
1919 ~~1998,~~ The division shall adopt, by rule, penalty guidelines  
1920 applicable to possible violations or to categories of violations  
1921 of this chapter or rules adopted by the division. The guidelines  
1922 must specify a meaningful range of civil penalties for each such  
1923 violation of the statute and rules and must be based upon the  
1924 harm caused by the violation, the repetition of the violation,

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1925 and upon such other factors deemed relevant by the division. For  
1926 example, the division may consider whether the violations were  
1927 committed by a developer, bulk assignee, or bulk buyer, or  
1928 owner-controlled association, the size of the association, and  
1929 other factors. The guidelines must designate the possible  
1930 mitigating or aggravating circumstances that justify a departure  
1931 from the range of penalties provided by the rules. It is the  
1932 legislative intent that minor violations be distinguished from  
1933 those which endanger the health, safety, or welfare of the  
1934 condominium residents or other persons and that such guidelines  
1935 provide reasonable and meaningful notice to the public of likely  
1936 penalties that may be imposed for proscribed conduct. This  
1937 subsection does not limit the ability of the division to  
1938 informally dispose of administrative actions or complaints by  
1939 stipulation, agreed settlement, or consent order. All amounts  
1940 collected shall be deposited with the Chief Financial Officer to  
1941 the credit of the Division of Florida Condominiums, Timeshares,  
1942 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
1943 bulk buyer fails to pay the civil penalty and the amount deemed  
1944 to be owed to the association, the division shall issue an order  
1945 directing that such developer, bulk assignee, or bulk buyer  
1946 cease and desist from further operation until such time as the  
1947 civil penalty is paid or may pursue enforcement of the penalty  
1948 in a court of competent jurisdiction. If an association fails to  
1949 pay the civil penalty, the division shall pursue enforcement in

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1950 a court of competent jurisdiction, and the order imposing the  
1951 civil penalty or the cease and desist order is not effective  
1952 until 20 days after the date of such order. Any action commenced  
1953 by the division shall be brought in the county in which the  
1954 division has its executive offices or in the county where the  
1955 violation occurred.

1956 7. If a unit owner presents the division with proof that  
1957 the unit owner has requested access to official records in  
1958 writing by certified mail, and that after 10 days the unit owner  
1959 again made the same request for access to official records in  
1960 writing by certified mail, and that more than 10 days has  
1961 elapsed since the second request and the association has still  
1962 failed or refused to provide access to official records as  
1963 required by this chapter, the division shall issue a subpoena  
1964 requiring production of the requested records where the records  
1965 are kept pursuant to s. 718.112.

1966 8. In addition to subparagraph 6., the division may seek  
1967 the imposition of a civil penalty through the circuit court for  
1968 any violation for which the division may issue a notice to show  
1969 cause under paragraph (r). The civil penalty shall be at least  
1970 \$500 but no more than \$5,000 for each violation. The court may  
1971 also award to the prevailing party court costs and reasonable  
1972 attorney ~~attorney's~~ fees and, if the division prevails, may also  
1973 award reasonable costs of investigation.

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1974 (e) The division may prepare and disseminate a prospectus  
1975 and other information to assist prospective owners, purchasers,  
1976 lessees, and developers of residential condominiums in assessing  
1977 the rights, privileges, and duties pertaining thereto.

1978 (f) The division may adopt rules to administer and enforce  
1979 ~~the provisions of~~ this chapter.

1980 (g) The division shall establish procedures for providing  
1981 notice to an association and the developer, bulk assignee, or  
1982 bulk buyer during the period in which the developer, bulk  
1983 assignee, or bulk buyer controls the association if the division  
1984 is considering the issuance of a declaratory statement with  
1985 respect to the declaration of condominium or any related  
1986 document governing such condominium community.

1987 (h) The division shall furnish each association that pays  
1988 the fees required by paragraph (3)(a) ~~(2)(a)~~ a copy of this  
1989 chapter, as amended, and the rules adopted thereto on an annual  
1990 basis.

1991 (i) The division shall annually provide each association  
1992 with a summary of declaratory statements and formal legal  
1993 opinions relating to the operations of condominiums which were  
1994 rendered by the division during the previous year.

1995 (j) The division shall provide training and educational  
1996 programs for condominium association board members and unit  
1997 owners. The training may, in the division's discretion, include  
1998 web-based electronic media, and live training and seminars in

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1999 various locations throughout the state. The division may review  
2000 and approve education and training programs for board members  
2001 and unit owners offered by providers and shall maintain a  
2002 current list of approved programs and providers and make such  
2003 list available to board members and unit owners in a reasonable  
2004 and cost-effective manner. The division may adopt rules to  
2005 establish requirements for the training and educational programs  
2006 required in this paragraph.

2007 (k) The division shall maintain a toll-free telephone  
2008 number accessible to condominium unit owners.

2009 (l) The division shall develop a program to certify both  
2010 volunteer and paid mediators to provide mediation of condominium  
2011 disputes. The division shall provide, upon request, a list of  
2012 such mediators to any association, unit owner, or other  
2013 participant in alternative dispute resolution ~~arbitration~~  
2014 proceedings under s. 718.1255 requesting a copy of the list. The  
2015 division shall include on the list of volunteer mediators only  
2016 the names of persons who have received at least 20 hours of  
2017 training in mediation techniques or who have mediated at least  
2018 20 disputes. In order to become initially certified by the  
2019 division, paid mediators must be certified by the Supreme Court  
2020 to mediate court cases in county or circuit courts. However, the  
2021 division may adopt, by rule, additional factors for the  
2022 certification of paid mediators, which must be related to  
2023 experience, education, or background. Any person initially

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2024 certified as a paid mediator by the division must, in order to  
2025 continue to be certified, comply with the factors or  
2026 requirements adopted by rule.

2027 (m) If a complaint is made, the division must conduct its  
2028 inquiry with due regard for the interests of the affected  
2029 parties. Within 30 days after receipt of a complaint, the  
2030 division shall acknowledge the complaint in writing and notify  
2031 the complainant whether the complaint is within the jurisdiction  
2032 of the division and whether additional information is needed by  
2033 the division from the complainant. The division shall conduct  
2034 its investigation and, within 90 days after receipt of the  
2035 original complaint or of timely requested additional  
2036 information, take action upon the complaint. However, the  
2037 failure to complete the investigation within 90 days does not  
2038 prevent the division from continuing the investigation,  
2039 accepting or considering evidence obtained or received after 90  
2040 days, or taking administrative action if reasonable cause exists  
2041 to believe that a violation of this chapter or a rule has  
2042 occurred. If an investigation is not completed within the time  
2043 limits established in this paragraph, the division shall, on a  
2044 monthly basis, notify the complainant in writing of the status  
2045 of the investigation. When reporting its action to the  
2046 complainant, the division shall inform the complainant of any  
2047 right to a hearing under ~~pursuant to~~ ss. 120.569 and 120.57.

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2048 (n) Condominium association directors, officers, and  
2049 employees; condominium developers; bulk assignees, bulk buyers,  
2050 and community association managers; and community association  
2051 management firms have an ongoing duty to reasonably cooperate  
2052 with the division in any investigation under ~~pursuant to~~ this  
2053 section. The division shall refer to local law enforcement  
2054 authorities any person whom the division believes has altered,  
2055 destroyed, concealed, or removed any record, document, or thing  
2056 required to be kept or maintained by this chapter with the  
2057 purpose to impair its verity or availability in the department's  
2058 investigation.

2059 (o) The division may:

- 2060 1. Contract with agencies in this state or other  
2061 jurisdictions to perform investigative functions; or  
2062 2. Accept grants-in-aid from any source.

2063 (p) The division shall cooperate with similar agencies in  
2064 other jurisdictions to establish uniform filing procedures and  
2065 forms, public offering statements, advertising standards, and  
2066 rules and common administrative practices.

2067 (q) The division shall consider notice to a developer,  
2068 bulk assignee, or bulk buyer to be complete when it is delivered  
2069 to the address of the developer, bulk assignee, or bulk buyer  
2070 currently on file with the division.

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2071 (r) In addition to its enforcement authority, the division  
2072 may issue a notice to show cause, which must provide for a  
2073 hearing, upon written request, in accordance with chapter 120.

2074 (s) The division shall submit to the Governor, the  
2075 President of the Senate, the Speaker of the House of  
2076 Representatives, and the chairs of the legislative  
2077 appropriations committees an annual report that includes, but  
2078 need not be limited to, the number of training programs provided  
2079 for condominium association board members and unit owners, the  
2080 number of complaints received by type, the number and percent of  
2081 complaints acknowledged in writing within 30 days and the number  
2082 and percent of investigations acted upon within 90 days in  
2083 accordance with paragraph (m), and the number of investigations  
2084 exceeding the 90-day requirement. The annual report must also  
2085 include an evaluation of the division's core business processes  
2086 and make recommendations for improvements, including statutory  
2087 changes. The report shall be submitted by September 30 following  
2088 the end of the fiscal year.

2089 (3) (a) ~~(2) (a)~~ Each condominium association which operates  
2090 more than two units shall pay to the division an annual fee in  
2091 the amount of \$4 for each residential unit in condominiums  
2092 operated by the association. If the fee is not paid by March 1,  
2093 the association shall be assessed a penalty of 10 percent of the  
2094 amount due, and the association will not have standing to

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2095 maintain or defend any action in the courts of this state until  
2096 the amount due, plus any penalty, is paid.

2097 (b) All fees shall be deposited in the Division of Florida  
2098 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2099 provided by law.

2100 Section 28. Section 718.5014, Florida Statutes, is amended  
2101 to read:

2102 718.5014 Ombudsman location.—The ombudsman shall maintain  
2103 his or her principal office in a Leon County ~~on the premises of~~  
2104 ~~the division or, if suitable space cannot be provided there, at~~  
2105 ~~another~~ place convenient to the offices of the division which  
2106 will enable the ombudsman to expeditiously carry out the duties  
2107 and functions of his or her office. The ombudsman may establish  
2108 branch offices elsewhere in the state upon the concurrence of  
2109 the Governor.

2110 Section 29. Subsection (25) of section 719.103, Florida  
2111 Statutes, is amended to read:

2112 719.103 Definitions.—As used in this chapter:

2113 (25) "Unit" means a part of the cooperative property which  
2114 is subject to exclusive use and possession. A unit may be  
2115 improvements, land, or land and improvements together, as  
2116 specified in the cooperative documents. An interest in a unit is  
2117 an interest in real property.

2118 Section 30. Paragraph (c) of subsection (2) of section  
2119 719.104, Florida Statutes, is amended to read:

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2120           719.104 Cooperatives; access to units; records; financial  
2121 reports; assessments; purchase of leases.—  
2122           (2) OFFICIAL RECORDS.—  
2123           (c) The official records of the association are open to  
2124 inspection by any association member or the authorized  
2125 representative of such member at all reasonable times. The right  
2126 to inspect the records includes the right to make or obtain  
2127 copies, at the reasonable expense, if any, of the association  
2128 member. The association may adopt reasonable rules regarding the  
2129 frequency, time, location, notice, and manner of record  
2130 inspections and copying, but may not require a member to  
2131 demonstrate any purpose or state any reason for the inspection.  
2132 The failure of an association to provide the records within 10  
2133 working days after receipt of a written request creates a  
2134 rebuttable presumption that the association willfully failed to  
2135 comply with this paragraph. A member ~~unit owner~~ who is denied  
2136 access to official records is entitled to the actual damages or  
2137 minimum damages for the association's willful failure to comply.  
2138 The minimum damages are \$50 per calendar day for up to 10 days,  
2139 beginning on the 11th working day after receipt of the written  
2140 request. The failure to permit inspection entitles any person  
2141 prevailing in an enforcement action to recover reasonable  
2142 attorney fees from the person in control of the records who,  
2143 directly or indirectly, knowingly denied access to the records.  
2144 Any person who knowingly or intentionally defaces or destroys

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2145 accounting records that are required by this chapter to be  
2146 maintained during the period for which such records are required  
2147 to be maintained, or who knowingly or intentionally fails to  
2148 create or maintain accounting records that are required to be  
2149 created or maintained, with the intent of causing harm to the  
2150 association or one or more of its members, is personally subject  
2151 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
2152 association shall maintain an adequate number of copies of the  
2153 declaration, articles of incorporation, bylaws, and rules, and  
2154 all amendments to each of the foregoing, as well as the question  
2155 and answer sheet as described in s. 719.504 and year-end  
2156 financial information required by the department, on the  
2157 cooperative property to ensure their availability to members  
2158 ~~unit owners~~ and prospective purchasers, and may charge its  
2159 actual costs for preparing and furnishing these documents to  
2160 those requesting the same. An association shall allow a member  
2161 or his or her authorized representative to use a portable  
2162 device, including a smartphone, tablet, portable scanner, or any  
2163 other technology capable of scanning or taking photographs, to  
2164 make an electronic copy of the official records in lieu of the  
2165 association providing the member or his or her authorized  
2166 representative with a copy of such records. The association may  
2167 not charge a member or his or her authorized representative for  
2168 the use of a portable device. Notwithstanding this paragraph,

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2169 the following records shall not be accessible to members ~~unit~~  
2170 ~~owners~~:

2171 1. Any record protected by the lawyer-client privilege as  
2172 described in s. 90.502 and any record protected by the work-  
2173 product privilege, including any record prepared by an  
2174 association attorney or prepared at the attorney's express  
2175 direction which reflects a mental impression, conclusion,  
2176 litigation strategy, or legal theory of the attorney or the  
2177 association, and which was prepared exclusively for civil or  
2178 criminal litigation or for adversarial administrative  
2179 proceedings, or which was prepared in anticipation of such  
2180 litigation or proceedings until the conclusion of the litigation  
2181 or proceedings.

2182 2. Information obtained by an association in connection  
2183 with the approval of the lease, sale, or other transfer of a  
2184 unit.

2185 3. Personnel records of association or management company  
2186 employees, including, but not limited to, disciplinary, payroll,  
2187 health, and insurance records. For purposes of this  
2188 subparagraph, the term "personnel records" does not include  
2189 written employment agreements with an association employee or  
2190 management company, or budgetary or financial records that  
2191 indicate the compensation paid to an association employee.

2192 4. Medical records of unit owners.

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2193           5. Social security numbers, driver license numbers, credit  
2194 card numbers, e-mail addresses, telephone numbers, facsimile  
2195 numbers, emergency contact information, addresses of a unit  
2196 owner other than as provided to fulfill the association's notice  
2197 requirements, and other personal identifying information of any  
2198 person, excluding the person's name, unit designation, mailing  
2199 address, property address, and any address, e-mail address, or  
2200 facsimile number provided to the association to fulfill the  
2201 association's notice requirements. Notwithstanding the  
2202 restrictions in this subparagraph, an association may print and  
2203 distribute to unit ~~parcel~~ owners a directory containing the  
2204 name, unit ~~parcel~~ address, and all telephone numbers of each  
2205 unit ~~parcel~~ owner. However, an owner may exclude his or her  
2206 telephone numbers from the directory by so requesting in writing  
2207 to the association. An owner may consent in writing to the  
2208 disclosure of other contact information described in this  
2209 subparagraph. The association is not liable for the inadvertent  
2210 disclosure of information that is protected under this  
2211 subparagraph if the information is included in an official  
2212 record of the association and is voluntarily provided by an  
2213 owner and not requested by the association.

2214           6. Electronic security measures that are used by the  
2215 association to safeguard data, including passwords.

2216           7. The software and operating system used by the  
2217 association which allow the manipulation of data, even if the

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2218 owner owns a copy of the same software used by the association.  
2219 The data is part of the official records of the association.

2220 Section 31. Paragraphs (b), (f), and (l) of subsection (1)  
2221 of section 719.106, Florida Statutes, are amended, and  
2222 subsection (3) is added to that section, to read:

2223 719.106 Bylaws; cooperative ownership.—

2224 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2225 documents shall provide for the following, and if they do not,  
2226 they shall be deemed to include the following:

2227 (b) Quorum; voting requirements; proxies.—

2228 1. Unless otherwise provided in the bylaws, the percentage  
2229 of voting interests required to constitute a quorum at a meeting  
2230 of the members shall be a majority of voting interests, and  
2231 decisions shall be made by owners of a majority of the voting  
2232 interests. Unless otherwise provided in this chapter, or in the  
2233 articles of incorporation, bylaws, or other cooperative  
2234 documents, and except as provided in subparagraph (d)1.,  
2235 decisions shall be made by owners of a majority of the voting  
2236 interests represented at a meeting at which a quorum is present.

2237 2. Except as specifically otherwise provided herein, after  
2238 January 1, 1992, unit owners may not vote by general proxy, but  
2239 may vote by limited proxies substantially conforming to a  
2240 limited proxy form adopted by the division. Limited proxies and  
2241 general proxies may be used to establish a quorum. Limited  
2242 proxies shall be used for votes taken to waive or reduce

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2243 reserves in accordance with subparagraph (j)2., for votes taken  
2244 to waive the financial reporting requirements of s.  
2245 719.104(4) (b), for votes taken to amend the articles of  
2246 incorporation or bylaws pursuant to this section, and for any  
2247 other matter for which this chapter requires or permits a vote  
2248 of the unit owners. Except as provided in paragraph (d), after  
2249 January 1, 1992, no proxy, limited or general, shall be used in  
2250 the election of board members. General proxies may be used for  
2251 other matters for which limited proxies are not required, and  
2252 may also be used in voting for nonsubstantive changes to items  
2253 for which a limited proxy is required and given. Notwithstanding  
2254 the provisions of this section, unit owners may vote in person  
2255 at unit owner meetings. Nothing contained herein shall limit the  
2256 use of general proxies or require the use of limited proxies or  
2257 require the use of limited proxies for any agenda item or  
2258 election at any meeting of a timeshare cooperative.

2259         3. Any proxy given shall be effective only for the  
2260 specific meeting for which originally given and any lawfully  
2261 adjourned meetings thereof. In no event shall any proxy be valid  
2262 for a period longer than 90 days after the date of the first  
2263 meeting for which it was given. Every proxy shall be revocable  
2264 at any time at the pleasure of the unit owner executing it.

2265         4. A member of the board of administration or a committee  
2266 may submit in writing his or her agreement or disagreement with  
2267 any action taken at a meeting that the member did not attend.

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2268 This agreement or disagreement may not be used as a vote for or  
2269 against the action taken and may not be used for the purposes of  
2270 creating a quorum.

2271 5. A board or committee member participating in a meeting  
2272 via telephone, real-time video conferencing, or similar real-  
2273 time electronic or video communication counts toward a quorum,  
2274 and such member may vote as if physically present ~~When some or~~  
2275 ~~all of the board or committee members meet by telephone~~  
2276 ~~conference, those board or committee members attending by~~  
2277 ~~telephone conference may be counted toward obtaining a quorum~~  
2278 ~~and may vote by telephone.~~ A telephone speaker ~~must~~ shall be  
2279 used ~~utilized~~ so that the conversation of such ~~those board or~~  
2280 ~~committee members attending by telephone~~ may be heard by the  
2281 board or committee members attending in person, as well as by  
2282 any unit owners present at a meeting.

2283 (f) Recall of board members.—Subject to s. 719.301, any  
2284 member of the board of administration may be recalled and  
2285 removed from office with or without cause by the vote or  
2286 agreement in writing by a majority of all the voting interests.  
2287 A special meeting of the voting interests to recall any member  
2288 of the board of administration may be called by 10 percent of  
2289 the unit owners giving notice of the meeting as required for a  
2290 meeting of unit owners, and the notice shall state the purpose  
2291 of the meeting. Electronic transmission may not be used as a

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2292 method of giving notice of a meeting called in whole or in part  
2293 for this purpose.

2294 1. If the recall is approved by a majority of all voting  
2295 interests by a vote at a meeting, the recall shall be effective  
2296 as provided in this paragraph. The board shall duly notice and  
2297 hold a board meeting within 5 full business days after the  
2298 adjournment of the unit owner meeting to recall one or more  
2299 board members. At the meeting, the board shall either certify  
2300 the recall, in which case such member or members shall be  
2301 recalled effective immediately and shall turn over to the board  
2302 within 5 full business days any and all records and property of  
2303 the association in their possession, or shall proceed as set  
2304 forth in subparagraph 3.

2305 2. If the proposed recall is by an agreement in writing by  
2306 a majority of all voting interests, the agreement in writing or  
2307 a copy thereof shall be served on the association by certified  
2308 mail or by personal service in the manner authorized by chapter  
2309 48 and the Florida Rules of Civil Procedure. The board of  
2310 administration shall duly notice and hold a meeting of the board  
2311 within 5 full business days after receipt of the agreement in  
2312 writing. At the meeting, the board shall either certify the  
2313 written agreement to recall members of the board, in which case  
2314 such members shall be recalled effective immediately and shall  
2315 turn over to the board, within 5 full business days, any and all

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2316 records and property of the association in their possession, or  
2317 proceed as described in subparagraph 3.

2318 3. If the board determines not to certify the written  
2319 agreement to recall members of the board, or does not certify  
2320 the recall by a vote at a meeting, the board shall, within 5  
2321 full business days after the board meeting, file with the  
2322 division a petition for binding arbitration under ~~pursuant to~~  
2323 ~~the procedures of~~ s. 719.1255 or file an action with a court of  
2324 competent jurisdiction. For purposes of this paragraph, the unit  
2325 owners who voted at the meeting or who executed the agreement in  
2326 writing shall constitute one party under the petition for  
2327 arbitration or in a court action. If the arbitrator or court  
2328 certifies the recall as to any member of the board, the recall  
2329 is ~~shall be~~ effective upon the mailing of the final order of  
2330 arbitration to the association or the final order of the court.  
2331 If the association fails to comply with the order of the court  
2332 or the arbitrator, the division may take action under ~~pursuant~~  
2333 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board  
2334 any and all records and property of the association in the  
2335 member's possession within 5 full business days after the  
2336 effective date of the recall.

2337 4. If the board fails to duly notice and hold a board  
2338 meeting within 5 full business days after service of an  
2339 agreement in writing or within 5 full business days after the  
2340 adjournment of the unit owner recall meeting, the recall is

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2341 ~~shall be~~ deemed effective and the board members so recalled  
2342 shall immediately turn over to the board any and all records and  
2343 property of the association.

2344 5. If the board fails to duly notice and hold the required  
2345 meeting or fails to file the required petition or action, the  
2346 unit owner representative may file a petition under ~~pursuant to~~  
2347 s. 719.1255 or file an action in a court of competent  
2348 jurisdiction challenging the board's failure to act. The  
2349 petition or action must be filed within 60 days after the  
2350 expiration of the applicable 5-full-business-day period. The  
2351 review of a petition or action under this subparagraph is  
2352 limited to the sufficiency of service on the board and the  
2353 facial validity of the written agreement or ballots filed.

2354 6. If a vacancy occurs on the board as a result of a  
2355 recall and less than a majority of the board members are  
2356 removed, the vacancy may be filled by the affirmative vote of a  
2357 majority of the remaining directors, notwithstanding any  
2358 provision to the contrary contained in this chapter. If  
2359 vacancies occur on the board as a result of a recall and a  
2360 majority or more of the board members are removed, the vacancies  
2361 shall be filled in accordance with procedural rules to be  
2362 adopted by the division, which rules need not be consistent with  
2363 this chapter. The rules must provide procedures governing the  
2364 conduct of the recall election as well as the operation of the

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2365 association during the period after a recall but before the  
2366 recall election.

2367 7. A board member who has been recalled may file a  
2368 petition under ~~pursuant to~~ s. 719.1255 or file an action in a  
2369 court of competent jurisdiction challenging the validity of the  
2370 recall. The petition or action must be filed within 60 days  
2371 after the recall is deemed certified. The association and the  
2372 unit owner representative shall be named as the respondents.

2373 8. The division or court may not accept for filing a  
2374 recall petition or action, whether filed under ~~pursuant to~~  
2375 subparagraph 1., subparagraph 2., subparagraph 5., or  
2376 subparagraph 7. and regardless of whether the recall was  
2377 certified, when there are 60 or fewer days until the scheduled  
2378 reelection of the board member sought to be recalled or when 60  
2379 or fewer days have not elapsed since the election of the board  
2380 member sought to be recalled.

2381 (1) Alternative dispute resolution Arbitration.—There  
2382 shall be a provision for mandatory nonbinding alternative  
2383 dispute resolution arbitration of internal disputes arising from  
2384 the operation of the cooperative in accordance with s. 719.1255.

2385 (3) GENERALLY.—The association may extinguish a  
2386 discriminatory restriction as provided under s. 712.065.

2387 Section 32. Paragraph (1) of subsection (4) of section  
2388 720.303, Florida Statutes, is redesignated as paragraph (m),  
2389 paragraph (c) of subsection (2), present paragraph (1) of

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2390 subsection (4), paragraphs (c) and (d) of subsection (6), and  
2391 paragraphs (b), (d), (g), (k), and (l) of subsection (10) are  
2392 amended, and a new paragraph (1) is added to subsection (4) of  
2393 that section, to read:

2394 720.303 Association powers and duties; meetings of board;  
2395 official records; budgets; financial reporting; association  
2396 funds; recalls.—

2397 (2) BOARD MEETINGS.—

2398 (c) The bylaws shall provide the following for giving  
2399 notice to parcel owners and members of all board meetings and,  
2400 if they do not do so, shall be deemed to include the following:

2401 1. Notices of all board meetings must be posted in a  
2402 conspicuous place in the community at least 48 hours in advance  
2403 of a meeting, except in an emergency. In the alternative, if  
2404 notice is not posted in a conspicuous place in the community,  
2405 notice of each board meeting must be mailed or delivered to each  
2406 member at least 7 days before the meeting, except in an  
2407 emergency. Notwithstanding this general notice requirement, for  
2408 communities with more than 100 members, the association bylaws  
2409 may provide for a reasonable alternative to posting or mailing  
2410 of notice for each board meeting, including publication of  
2411 notice, provision of a schedule of board meetings, or the  
2412 conspicuous posting and repeated broadcasting of the notice on a  
2413 closed-circuit cable television system serving the homeowners'  
2414 association. However, if broadcast notice is used in lieu of a

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2415 notice posted physically in the community, the notice must be  
2416 broadcast at least four times every broadcast hour of each day  
2417 that a posted notice is otherwise required. When broadcast  
2418 notice is provided, the notice and agenda must be broadcast in a  
2419 manner and for a sufficient continuous length of time so as to  
2420 allow an average reader to observe the notice and read and  
2421 comprehend the entire content of the notice and the agenda. In  
2422 addition to any of the authorized means of providing notice of a  
2423 meeting of the board, the association may, by rule, adopt a  
2424 procedure for conspicuously posting the meeting notice and the  
2425 agenda on the association's website or an application that can  
2426 be downloaded on a mobile device for at least the minimum period  
2427 of time for which a notice of a meeting is also required to be  
2428 physically posted on the association property. Any rule adopted  
2429 shall, in addition to other matters, include a requirement that  
2430 the association send an electronic notice in the same manner as  
2431 is required for a notice of a meeting of the members, which must  
2432 include a hyperlink to the website or such mobile application at  
2433 which the notice is posted, to members whose e-mail addresses  
2434 are included in the association's official records. The  
2435 association may provide notice by electronic transmission in a  
2436 manner authorized by law for meetings of the board of directors,  
2437 committee meetings requiring notice under this section, and  
2438 annual and special meetings of the members to any member who has  
2439 provided a facsimile number or e-mail address to the association

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2440 to be used for such purposes; however, a member must consent in  
2441 writing to receiving notice by electronic transmission.

2442 2. An assessment may not be levied at a board meeting  
2443 unless the notice of the meeting includes a statement that  
2444 assessments will be considered and the nature of the  
2445 assessments. Written notice of any meeting at which special  
2446 assessments will be considered or at which amendments to rules  
2447 regarding parcel use will be considered must be mailed,  
2448 delivered, or electronically transmitted to the members and  
2449 parcel owners and posted conspicuously on the property or  
2450 broadcast on closed-circuit cable television not less than 14  
2451 days before the meeting.

2452 3. Directors may not vote by proxy or by secret ballot at  
2453 board meetings, except that secret ballots may be used in the  
2454 election of officers. This subsection also applies to the  
2455 meetings of any committee or other similar body, when a final  
2456 decision will be made regarding the expenditure of association  
2457 funds, and to any body vested with the power to approve or  
2458 disapprove architectural decisions with respect to a specific  
2459 parcel of residential property owned by a member of the  
2460 community.

2461 (4) OFFICIAL RECORDS.—The association shall maintain each  
2462 of the following items, when applicable, which constitute the  
2463 official records of the association:

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2464        (1) Ballots, sign-in sheets, voting proxies, and all other  
2465 papers and electronic records relating to voting by parcel  
2466 owners, which must be maintained for at least 1 year after the  
2467 date of the election, vote, or meeting.

2468        (m)(1) All other written records of the association not  
2469 specifically included in this subsection ~~the foregoing~~ which are  
2470 related to the operation of the association.

2471        (6) BUDGETS.—

2472        (c)1. If the budget of the association does not provide  
2473 for reserve accounts under ~~pursuant to~~ paragraph (d), or the  
2474 declaration of covenants, articles, or bylaws do not obligate  
2475 the developer to create reserves, and the association is  
2476 responsible for the repair and maintenance of capital  
2477 improvements that may result in a special assessment if reserves  
2478 are not provided or not fully funded, then each financial report  
2479 for the preceding fiscal year required by subsection (7) must  
2480 contain the following statement in conspicuous type:

2481  
2482 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED  
2483 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED  
2484 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING  
2485 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED  
2486 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA  
2487 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL

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2488 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A  
2489 MEETING OR BY WRITTEN CONSENT.

2490 2. If the budget of the association does provide for  
2491 funding accounts for deferred expenditures, including, but not  
2492 limited to, funds for capital expenditures and deferred  
2493 maintenance, but such accounts are not created or established  
2494 under ~~pursuant to~~ paragraph (d), each financial report for the  
2495 preceding fiscal year required under subsection (7) must also  
2496 contain the following statement in conspicuous type:

2497 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY  
2498 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES  
2499 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED  
2500 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED  
2501 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION  
2502 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE  
2503 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR  
2504 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

2505 (d) An association is deemed to have provided for reserve  
2506 accounts ~~if reserve accounts have been initially established by~~  
2507 ~~the developer or if the membership of the association~~  
2508 ~~affirmatively elects to provide for reserves. If reserve~~  
2509 ~~accounts are established by the developer, the budget must~~  
2510 ~~designate the components for which the reserve accounts may be~~  
2511 ~~used. If reserve accounts are not initially provided by the~~  
2512 ~~developer, the membership of the association may elect to do so~~

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2513 upon the affirmative approval of a majority of the total voting  
2514 interests of the association. Such approval may be obtained by  
2515 vote of the members at a duly called meeting of the membership  
2516 or by the written consent of a majority of the total voting  
2517 interests of the association. The approval action of the  
2518 membership must state that reserve accounts shall be provided  
2519 for in the budget and must designate the components for which  
2520 the reserve accounts are to be established. Upon approval by the  
2521 membership, the board of directors shall include the required  
2522 reserve accounts in the budget in the next fiscal year following  
2523 the approval and each year thereafter. Once established as  
2524 provided in this subsection, the reserve accounts must be funded  
2525 or maintained or have their funding waived in the manner  
2526 provided in paragraph (f).

2527 (10) RECALL OF DIRECTORS.—

2528 (b)1. Board directors may be recalled by an agreement in  
2529 writing or by written ballot without a membership meeting. The  
2530 agreement in writing or the written ballots, or a copy thereof,  
2531 shall be served on the association by certified mail or by  
2532 personal service in the manner authorized by chapter 48 and the  
2533 Florida Rules of Civil Procedure.

2534 2. The board shall duly notice and hold a meeting of the  
2535 board within 5 full business days after receipt of the agreement  
2536 in writing or written ballots. At the meeting, the board shall  
2537 either certify the written ballots or written agreement to

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2538 recall a director or directors of the board, in which case such  
2539 director or directors shall be recalled effective immediately  
2540 and shall turn over to the board within 5 full business days any  
2541 and all records and property of the association in their  
2542 possession, or proceed as described in paragraph (d).

2543 3. When it is determined by the department pursuant to  
2544 binding arbitration proceedings or the court in an action filed  
2545 in a court of competent jurisdiction that an initial recall  
2546 effort was defective, written recall agreements or written  
2547 ballots used in the first recall effort and not found to be  
2548 defective may be reused in one subsequent recall effort.  
2549 However, in no event is a written agreement or written ballot  
2550 valid for more than 120 days after it has been signed by the  
2551 member.

2552 4. Any rescission or revocation of a member's written  
2553 recall ballot or agreement must be in writing and, in order to  
2554 be effective, must be delivered to the association before the  
2555 association is served with the written recall agreements or  
2556 ballots.

2557 5. The agreement in writing or ballot shall list at least  
2558 as many possible replacement directors as there are directors  
2559 subject to the recall, when at least a majority of the board is  
2560 sought to be recalled; the person executing the recall  
2561 instrument may vote for as many replacement candidates as there  
2562 are directors subject to the recall.

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2563 (d) If the board determines not to certify the written  
2564 agreement or written ballots to recall a director or directors  
2565 of the board or does not certify the recall by a vote at a  
2566 meeting, the board shall, within 5 full business days after the  
2567 meeting, file an action with a court of competent jurisdiction  
2568 or file with the department a petition for binding arbitration  
2569 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)  
2570 and 718.1255 and the rules adopted thereunder. For the purposes  
2571 of this section, the members who voted at the meeting or who  
2572 executed the agreement in writing shall constitute one party  
2573 under the petition for arbitration or in a court action. If the  
2574 arbitrator or court certifies the recall as to any director or  
2575 directors of the board, the recall will be effective upon the  
2576 final order of the court or the mailing of the final order of  
2577 arbitration to the association. The director or directors so  
2578 recalled shall deliver to the board any and all records of the  
2579 association in their possession within 5 full business days  
2580 after the effective date of the recall.

2581 (g) If the board fails to duly notice and hold the  
2582 required meeting or fails to file the required petition or  
2583 action, the parcel unit owner representative may file a petition  
2584 or a court action under ~~pursuant to~~ s. 718.1255 challenging the  
2585 board's failure to act. The petition or action must be filed  
2586 within 60 days after the expiration of the applicable 5-full-  
2587 business-day period. The review of a petition or action under

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2588 this paragraph is limited to the sufficiency of service on the  
2589 board and the facial validity of the written agreement or  
2590 ballots filed.

2591 (k) A board member who has been recalled may file an  
2592 action with a court of competent jurisdiction or a petition  
2593 under ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules  
2594 adopted challenging the validity of the recall. The petition or  
2595 action must be filed within 60 days after the recall is deemed  
2596 certified. The association and the parcel unit owner  
2597 representative shall be named as respondents.

2598 (l) The division or a court of competent jurisdiction may  
2599 not accept for filing a recall petition or action, whether filed  
2600 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),  
2601 or paragraph (k) and regardless of whether the recall was  
2602 certified, when there are 60 or fewer days until the scheduled  
2603 reelection of the board member sought to be recalled or when 60  
2604 or fewer days have not elapsed since the election of the board  
2605 member sought to be recalled.

2606 Section 33. Paragraphs (a) and (b) of subsection (2) of  
2607 section 720.304, Florida Statutes, are amended to read:

2608 720.304 Right of owners to peaceably assemble; display of  
2609 flag; SLAPP suits prohibited.—

2610 (2) (a) Any homeowner may display one portable, removable  
2611 United States flag or official flag of the State of Florida in a  
2612 respectful manner, and one portable, removable official flag, in

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2613 a respectful manner, not larger than 4 1/2 feet by 6 feet, which  
2614 represents any state, as defined in s. 624.08, or the United  
2615 States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a  
2616 POW-MIA flag, regardless of any covenants, restrictions, bylaws,  
2617 rules, or requirements of the association.

2618 (b) Any homeowner may erect a freestanding flagpole no  
2619 more than 20 feet high on any portion of the homeowner's real  
2620 property, regardless of any covenants, restrictions, bylaws,  
2621 rules, or requirements of the association, if the flagpole does  
2622 not obstruct sightlines at intersections and is not erected  
2623 within or upon an easement. The homeowner may further display in  
2624 a respectful manner from that flagpole, regardless of any  
2625 covenants, restrictions, bylaws, rules, or requirements of the  
2626 association, one official United States flag, not larger than 4  
2627 1/2 feet by 6 feet, and may additionally display one official  
2628 flag of the State of Florida, any state, as defined in s.  
2629 624.08, or the United States Army, Navy, Air Force, Marines, or  
2630 Coast Guard, or a POW-MIA flag. Such additional flag must be  
2631 equal in size to or smaller than the United States flag. The  
2632 flagpole and display are subject to all building codes, zoning  
2633 setbacks, and other applicable governmental regulations,  
2634 including, but not limited to, noise and lighting ordinances in  
2635 the county or municipality in which the flagpole is erected and  
2636 all setback and locational criteria contained in the governing  
2637 documents.

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2638 Section 34. Subsections (1) and (2) of section 720.305,  
2639 Florida Statutes, are amended to read:

2640 720.305 Obligations of members; remedies at law or in  
2641 equity; levy of fines and suspension of use rights.—

2642 (1) Each member and the member's tenants, guests, and  
2643 invitees, and each association, are governed by, and must comply  
2644 with, this chapter and, the governing documents of the  
2645 community, ~~and the rules of the association~~. Actions at law or  
2646 in equity, or both, to redress alleged failure or refusal to  
2647 comply with these provisions may be brought by the association  
2648 or by any member against:

2649 (a) The association;

2650 (b) A member;

2651 (c) Any director or officer of an association who  
2652 willfully and knowingly fails to comply with these provisions;  
2653 and

2654 (d) Any tenants, guests, or invitees occupying a parcel or  
2655 using the common areas.

2656  
2657 The prevailing party in any such litigation is entitled to  
2658 recover reasonable attorney fees and costs. A member prevailing  
2659 in an action between the association and the member under this  
2660 section, in addition to recovering his or her reasonable  
2661 attorney fees, may recover additional amounts as determined by  
2662 the court to be necessary to reimburse the member for his or her

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2663 share of assessments levied by the association to fund its  
2664 expenses of the litigation. This relief does not exclude other  
2665 remedies provided by law. This section does not deprive any  
2666 person of any other available right or remedy.

2667 (2) An ~~The~~ association may levy reasonable fines. A fine  
2668 may not exceed \$100 per violation against any member or any  
2669 member's tenant, guest, or invitee for the failure of the owner  
2670 of the parcel or its occupant, licensee, or invitee to comply  
2671 with any provision of the declaration, the association bylaws,  
2672 or reasonable rules of the association unless otherwise provided  
2673 in the governing documents. A fine may be levied by the board  
2674 for each day of a continuing violation, with a single notice and  
2675 opportunity for hearing, except that the fine may not exceed  
2676 \$1,000 in the aggregate unless otherwise provided in the  
2677 governing documents. A fine of less than \$1,000 may not become a  
2678 lien against a parcel. In any action to recover a fine, the  
2679 prevailing party is entitled to reasonable attorney fees and  
2680 costs from the nonprevailing party as determined by the court.

2681 (a) An association may suspend, for a reasonable period of  
2682 time, the right of a member, or a member's tenant, guest, or  
2683 invitee, to use common areas and facilities for the failure of  
2684 the owner of the parcel or its occupant, licensee, or invitee to  
2685 comply with any provision of the declaration, the association  
2686 bylaws, or reasonable rules of the association. This paragraph  
2687 does not apply to that portion of common areas used to provide

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2688 access or utility services to the parcel. A suspension may not  
2689 prohibit an owner or tenant of a parcel from having vehicular  
2690 and pedestrian ingress to and egress from the parcel, including,  
2691 but not limited to, the right to park.

2692 (b) A fine or suspension levied by the board of  
2693 administration may not be imposed unless the board first  
2694 provides at least 14 days' notice to the parcel owner and, if  
2695 applicable, any occupant, licensee, or invitee of the parcel  
2696 owner, sought to be fined or suspended and an opportunity for a  
2697 hearing before a committee of at least three members appointed  
2698 by the board who are not officers, directors, or employees of  
2699 the association, or the spouse, parent, child, brother, or  
2700 sister of an officer, director, or employee. If the committee,  
2701 by majority vote, does not approve a proposed fine or  
2702 suspension, the proposed fine or suspension may not be imposed.  
2703 The role of the committee is limited to determining whether to  
2704 confirm or reject the fine or suspension levied by the board. If  
2705 the proposed fine or suspension levied by the board is approved  
2706 by the committee, the fine payment is due 5 days after notice of  
2707 the approved fine is provided to the parcel owner and, if  
2708 applicable, to any occupant, licensee, or invitee of the parcel  
2709 owner ~~the date of the committee meeting at which the fine is~~  
2710 ~~approved~~. The association must provide written notice of such  
2711 fine or suspension by mail or hand delivery to the parcel owner

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2712 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
2713 of the parcel owner.

2714 Section 35. Paragraph (g) of subsection (1) and paragraph  
2715 (c) of subsection (9) of section 720.306, Florida Statutes, are  
2716 amended, and paragraph (h) is added to subsection (1) of that  
2717 section, to read:

2718 720.306 Meetings of members; voting and election  
2719 procedures; amendments.—

2720 (1) QUORUM; AMENDMENTS.—

2721 (g) A notice required under this section must be mailed or  
2722 delivered to the address identified as the parcel owner's  
2723 mailing address in the official records of the association as  
2724 required under s. 720.303(4) ~~on the property appraiser's website~~  
2725 ~~for the county in which the parcel is located~~, or electronically  
2726 transmitted in a manner authorized by the association if the  
2727 parcel owner has consented, in writing, to receive notice by  
2728 electronic transmission.

2729 (h)1. Except as otherwise provided in this paragraph, an  
2730 amendment to any governing document that is enacted after July  
2731 1, 2020, that prohibits a parcel owner from renting the parcel,  
2732 alters the authorized duration of a rental term, or specifies or  
2733 limits the number of times that a parcel owner may rent his or  
2734 her parcel during a specified term, applies only to a parcel  
2735 owner who acquires title to the parcel after the effective date

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2736 of the amendment, or to a parcel owner who consents,  
2737 individually or through a representative, to the amendment.

2738 2. Notwithstanding subparagraph 1., an association may  
2739 amend its governing documents to prohibit or regulate rentals  
2740 for a term of less than 6 months and to prohibit rentals more  
2741 than three times in a calendar year, and such amendments shall  
2742 apply to all parcel owners.

2743 3. This paragraph does not affect the amendment  
2744 restrictions for associations of 15 or fewer parcel owners under  
2745 s. 720.303(1).

2746 4. For purposes of this paragraph, a change of ownership  
2747 does not occur when a parcel owner conveys the parcel to an  
2748 affiliated entity or when beneficial ownership of the parcel  
2749 does not change. For purposes of this subparagraph, the term  
2750 "affiliated entity" means an entity that controls, is controlled  
2751 by, or is under common control with the parcel owner or that  
2752 becomes a parent or successor entity by reason of transfer,  
2753 merger, consolidation, public offering, reorganization,  
2754 dissolution or sale of stock, or transfer of membership  
2755 partnership interests. For a conveyance to be recognized as one  
2756 made to an affiliated entity, the entity must furnish the  
2757 association a document certifying that this paragraph applies,  
2758 as well as providing any organizational documents for the parcel  
2759 owner and the affiliated entity that support the representations  
2760 in the certificate, as requested by the association.

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2761 (9) ELECTIONS AND BOARD VACANCIES.—

2762 (c) Any election dispute between a member and an  
2763 association must be submitted to ~~mandatory~~ binding arbitration  
2764 with the division or filed with a court of competent  
2765 jurisdiction. Such proceedings that are submitted to binding  
2766 arbitration with the division must be conducted in the manner  
2767 provided by s. 718.1255 and the procedural rules adopted by the  
2768 division. Unless otherwise provided in the bylaws, any vacancy  
2769 occurring on the board before the expiration of a term may be  
2770 filled by an affirmative vote of the majority of the remaining  
2771 directors, even if the remaining directors constitute less than  
2772 a quorum, or by the sole remaining director. In the alternative,  
2773 a board may hold an election to fill the vacancy, in which case  
2774 the election procedures must conform to the requirements of the  
2775 governing documents. Unless otherwise provided in the bylaws, a  
2776 board member appointed or elected under this section is  
2777 appointed for the unexpired term of the seat being filled.  
2778 Filling vacancies created by recall is governed by s.  
2779 720.303(10) and rules adopted by the division.

2780 Section 36. Subsection (1) of section 720.311, Florida  
2781 Statutes, is amended to read:

2782 720.311 Dispute resolution.—

2783 (1) The Legislature finds that alternative dispute  
2784 resolution has made progress in reducing court dockets and  
2785 trials and in offering a more efficient, cost-effective option

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2786 to litigation. The filing of any petition for arbitration or the  
2787 serving of a demand for presuit mediation as provided for in  
2788 this section shall toll the applicable statute of limitations.  
2789 Any recall dispute filed with the department under ~~pursuant to~~  
2790 s. 720.303(10) shall be conducted by the department in  
2791 accordance with the provisions of ss. 718.112(2)(j) and 718.1255  
2792 and the rules adopted by the division. In addition, the  
2793 department shall conduct ~~mandatory~~ binding arbitration of  
2794 election disputes between a member and an association in  
2795 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the  
2796 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are  
2797 not eligible for presuit mediation; these disputes must ~~shall~~ be  
2798 arbitrated by the department or filed in a court of competent  
2799 jurisdiction. At the conclusion of an arbitration ~~the~~  
2800 proceeding, the department shall charge the parties a fee in an  
2801 amount adequate to cover all costs and expenses incurred by the  
2802 department in conducting the proceeding. Initially, the  
2803 petitioner shall remit a filing fee of at least \$200 to the  
2804 department. The fees paid to the department shall become a  
2805 recoverable cost in the arbitration proceeding, and the  
2806 prevailing party in an arbitration proceeding shall recover its  
2807 reasonable costs and attorney ~~attorney's~~ fees in an amount found  
2808 reasonable by the arbitrator. The department shall adopt rules  
2809 to effectuate the purposes of this section.

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Amendment No.

2810 Section 37. Subsection (6) is added to section 720.3075,  
 2811 Florida Statutes, to read:  
 2812 720.3075 Prohibited clauses in association documents.—  
 2813 (6) The association may extinguish a discriminatory  
 2814 restriction, as provided in 712.065.

2815 -----  
 2816  
 2817 **T I T L E A M E N D M E N T**

2818 Remove lines 16-49 and insert:  
 2819 "yacht"; amending s. 193.011, F.S.; providing  
 2820 requirements for a property appraiser's valuation;  
 2821 amending s. 194.011, F.S.; providing that certain  
 2822 associations may represent, prosecute, or defend  
 2823 owners in certain proceedings; providing  
 2824 applicability; requiring specified notice be provided  
 2825 to unit or parcel owners in a specified way; amending  
 2826 s. 194.181, F.S.; providing and revising the parties  
 2827 considered as the defendant in a tax suit; requiring  
 2828 certain notice to be provided to unit owners in a  
 2829 specified way; providing unit owners options for  
 2830 defending a tax suit; imposing certain actions for  
 2831 unit owners who fail to respond to a specified notice;  
 2832 amending s. 514.0115, F.S.; exempting certain property  
 2833 association pools from Department of Health  
 2834 regulations; amending s. 548.003, F.S.; renaming the

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2835 Florida State Boxing Commission as the Florida  
2836 Athletic Commission; amending s. 548.043, F.S.;  
2837 revising rulemaking requirements for the commission  
2838 relating to gloves; amending s. 561.01, F.S.; deleting  
2839 the definition of the term "permit carrier"; amending  
2840 s. 561.17, F.S.; revising a requirement related to the  
2841 filing of fingerprints with the division; requiring  
2842 that applications be accompanied by certain  
2843 information relating to right of occupancy; providing  
2844 requirements relating to contact information for  
2845 licensees and permittees; amending s. 561.20, F.S.;  
2846 conforming cross-references; revising requirements for  
2847 issuing special licenses to certain food service  
2848 establishments; amending s. 561.42, F.S.; requiring  
2849 the division, and authorizing vendors, to use  
2850 electronic mail to give certain notice; amending s.  
2851 561.55, F.S.; revising requirements for reports  
2852 relating to alcoholic beverages; amending s. 562.455,  
2853 F.S.; removing grains of paradise from the list of  
2854 specified substances subject to penalties relating to  
2855 adulterating liquor; amending s. 627.714, F.S.;  
2856 prohibiting subrogation rights against a condominium  
2857 association under certain circumstances; creating s.  
2858 712.065, F.S.; defining the term "discriminatory  
2859 restriction"; providing that discriminatory

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2860 restrictions are unlawful, unenforceable, and void;  
2861 providing that discriminatory restrictions are  
2862 extinguished and severed from recorded title  
2863 transactions; specifying that the recording of certain  
2864 notices does not reimpose or preserve a discriminatory  
2865 restriction; providing requirements for a parcel owner  
2866 to remove a discriminatory restriction from a covenant  
2867 or restriction; amending s. 718.111, F.S.; providing  
2868 that a condominium association may take certain  
2869 actions relating to a challenge to ad valorem taxes in  
2870 its own name or on behalf of unit owners; providing  
2871 applicability; requiring an association to provide a  
2872 checklist to certain persons requesting records;  
2873 requiring that the checklist be signed by a specified  
2874 person or the association to provide an affidavit  
2875 attesting to the veracity of the checklist; providing  
2876 a timeframe for maintaining such checklist and  
2877 affidavit; creating a rebuttable presumption; amending  
2878 s. 718.112, F.S.; authorizing a condominium  
2879 association to extinguish discriminatory restrictions;  
2880 revising calculation of a board member's term limit;  
2881 providing requirements for certain notices; revising  
2882 the fees an association may charge for transfers;  
2883 deleting a prohibition against employing or  
2884 contracting with certain service providers; amending

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2885 s. 718.113, F.S.; defining the terms "natural gas  
2886 fuel" and "natural gas fuel vehicle"; revising  
2887 legislative findings; revising requirements for  
2888 electric vehicle charging stations; providing  
2889 requirements for the installation of natural gas fuel  
2890 stations on property governed by condominium  
2891 associations; amending s. 718.117, F.S.; conforming  
2892 provisions to changes made by the act; amending s.  
2893 718.121, F.S.; providing when the installation of a  
2894 natural gas fuel station may be the basis of a lien;  
2895 amending s. 718.1255, F.S.; authorizing parties to  
2896 initiate presuit mediation under certain  
2897 circumstances; specifying when arbitration is binding  
2898 on the parties; providing requirements for presuit  
2899 mediation; amending s. 718.202, F.S.; revising use of  
2900 certain withdrawn escrow funds by developers; amending  
2901 s. 718.303, F.S.; revising requirements for certain  
2902 actions for failure to comply with specified  
2903 provisions; revising requirements for certain fines;  
2904 amending s. 718.501, F.S.; defining the term  
2905 "financial issue"; authorizing the Division of  
2906 Condominiums, Timeshares, and Mobile Homes to adopt  
2907 rules; amending s. 718.5014, F.S.; revising where the  
2908 principal office of the Office of the Condominium  
2909 Ombudsman must be maintained; amending s. 719.103,

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2910 F.S.; revising the definition of the term "unit" to  
2911 specify that an interest in a cooperative unit is an  
2912 interest in real property; amending s. 719.104, F.S.;  
2913 prohibiting an association from requiring certain  
2914 actions relating to the inspection of records;  
2915 amending s. 719.106, F.S.; revising provisions  
2916 relating to a quorum and voting rights for members  
2917 remotely participating in meetings; amending procedure  
2918 to challenge a board member recall; authorizing  
2919 cooperative associations to extinguish discriminatory  
2920 restrictions; amending s. 720.303, F.S.; authorizing  
2921 an association to adopt procedures for electronic  
2922 meeting notices; revising the documents that  
2923 constitute the official records of an association;  
2924 revising when a specified statement must be included  
2925 in an association's financial report; revising  
2926 requirements for such statement; revising when an  
2927 association is deemed to have provided for reserve  
2928 accounts; amending procedure to challenge a board  
2929 member recall; amending s. 720.304, F.S.; authorizing  
2930 a homeowner to display certain flags; amending s.  
2931 720.305, F.S.; providing requirements for certain  
2932 fines; amending s. 720.306, F.S.; revising  
2933 requirements for providing certain notices; providing  
2934 limitations on associations when a parcel owner

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2935 | attempts to rent or lease his or her parcel; amending  
2936 | the procedure for election disputes; amending s.  
2937 | 720.311, F.S.; amending the procedure for election  
2938 | disputes; amending s. 720.3075, F.S.; authorizing  
2939 | homeowners' associations to extinguish discriminatory  
2940 | restrictions; amending s. 721.15, F.S.;

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