

1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 210.09, F.S.;
4 requiring that certain reports relating to the
5 transportation or possession of cigarettes be filed
6 with the Division of Alcoholic Beverages and Tobacco
7 through the division's electronic data submission
8 system; authorizing certain records to be kept in an
9 electronic or paper format; amending s. 210.55, F.S.;
10 requiring that certain entities file reports, rather
11 than returns, relating to tobacco products with the
12 division; providing requirements for such reports;
13 amending s. 210.60, F.S.; authorizing certain records
14 to be kept in an electronic or paper format; amending
15 s. 326.002, F.S.; revising the definition of the term
16 "yacht"; amending s. 194.011, F.S.; providing that
17 certain associations may represent, prosecute, or
18 defend owners in certain proceedings; providing
19 applicability; requiring specified notice be provided
20 to unit or parcel owners in a specified way; amending
21 s. 194.181, F.S.; providing and revising the parties
22 considered as the defendant in a tax suit; requiring
23 certain notice to be provided to unit owners in a
24 specified way; providing unit owners options for
25 defending a tax suit; imposing certain actions for

26 | unit owners who fail to respond to a specified notice;
27 | amending s. 514.0115, F.S.; exempting certain property
28 | association pools from Department of Health
29 | regulations; amending s. 553.77, F.S.; conforming a
30 | cross-reference; amending s. 548.003, F.S.; renaming
31 | the Florida State Boxing Commission as the Florida
32 | Athletic Commission; amending s. 548.043, F.S.;
33 | revising rulemaking requirements for the commission
34 | relating to gloves; amending s. 561.01, F.S.; deleting
35 | the definition of the term "permit carrier"; amending
36 | s. 561.17, F.S.; revising a requirement related to the
37 | filing of fingerprints with the division; requiring
38 | that applications be accompanied by certain
39 | information relating to right of occupancy; providing
40 | requirements relating to contact information for
41 | licensees and permittees; amending s. 561.20, F.S.;
42 | conforming cross-references; revising requirements for
43 | issuing special licenses to certain food service
44 | establishments; amending s. 561.42, F.S.; requiring
45 | the division, and authorizing vendors, to use
46 | electronic mail to give certain notice; amending s.
47 | 561.55, F.S.; revising requirements for reports
48 | relating to alcoholic beverages; amending s. 562.455,
49 | F.S.; removing grains of paradise from the list of
50 | specified substances subject to penalties relating to

51 adulterating liquor; amending s. 627.714, F.S.;

52 prohibiting subrogation rights against a condominium

53 association under certain circumstances; creating s.

54 712.065, F.S.; defining the term "discriminatory

55 restriction"; providing that discriminatory

56 restrictions are unlawful, unenforceable, and void;

57 providing that discriminatory restrictions are

58 extinguished and severed from recorded title

59 transactions; specifying that the recording of certain

60 notices does not reimpose or preserve a discriminatory

61 restriction; providing requirements for a parcel owner

62 to remove a discriminatory restriction from a covenant

63 or restriction; amending s. 718.111, F.S.; providing

64 that a condominium association may take certain

65 actions relating to a challenge to ad valorem taxes in

66 its own name or on behalf of unit owners; providing

67 applicability; requiring an association to provide a

68 checklist to certain persons requesting records;

69 requiring that the checklist be signed by a specified

70 person or the association to provide an affidavit

71 attesting to the veracity of the checklist; providing

72 a timeframe for maintaining such checklist and

73 affidavit; creating a rebuttable presumption; amending

74 s. 718.112, F.S.; authorizing a condominium

75 association to extinguish discriminatory restrictions;

76 | revising calculation of a board member's term limit;
77 | providing requirements for certain notices; revising
78 | the fees an association may charge for transfers;
79 | deleting a prohibition against employing or
80 | contracting with certain service providers; amending
81 | s. 718.113, F.S.; defining the terms "natural gas
82 | fuel" and "natural gas fuel vehicle"; revising
83 | legislative findings; revising requirements for
84 | electric vehicle charging stations; providing
85 | requirements for the installation of natural gas fuel
86 | stations on property governed by condominium
87 | associations; amending s. 718.117, F.S.; conforming
88 | provisions to changes made by the act; amending s.
89 | 718.121, F.S.; providing when the installation of a
90 | natural gas fuel station may be the basis of a lien;
91 | amending s. 718.1255, F.S.; authorizing parties to
92 | initiate presuit mediation under certain
93 | circumstances; specifying when arbitration is binding
94 | on the parties; providing requirements for presuit
95 | mediation; amending s. 718.202, F.S.; revising use of
96 | certain withdrawn escrow funds by developers; amending
97 | s. 718.303, F.S.; revising requirements for certain
98 | actions for failure to comply with specified
99 | provisions; revising requirements for certain fines;
100 | amending s. 718.501, F.S.; defining the term

101 "financial issue"; authorizing the Division of
102 Condominiums, Timeshares, and Mobile Homes to adopt
103 rules; amending s. 718.5014, F.S.; revising where the
104 principal office of the Office of the Condominium
105 Ombudsman must be maintained; amending s. 719.103,
106 F.S.; revising the definition of the term "unit" to
107 specify that an interest in a cooperative unit is an
108 interest in real property; amending s. 719.104, F.S.;
109 prohibiting an association from requiring certain
110 actions relating to the inspection of records;
111 amending s. 719.106, F.S.; revising provisions
112 relating to a quorum and voting rights for members
113 remotely participating in meetings; amending procedure
114 to challenge a board member recall; authorizing
115 cooperative associations to extinguish discriminatory
116 restrictions; amending s. 720.303, F.S.; authorizing
117 an association to adopt procedures for electronic
118 meeting notices; revising the documents that
119 constitute the official records of an association;
120 revising when a specified statement must be included
121 in an association's financial report; revising
122 requirements for such statement; revising when an
123 association is deemed to have provided for reserve
124 accounts; amending procedure to challenge a board
125 member recall; amending s. 720.305, F.S.; providing

126 requirements for certain fines; amending s. 720.306,
 127 F.S.; revising requirements for providing certain
 128 notices; providing limitations on associations when a
 129 parcel owner attempts to rent or lease his or her
 130 parcel; amending the procedure for election disputes;
 131 amending s. 720.311, F.S.; amending the procedure for
 132 election disputes; amending s. 720.3075, F.S.;
 133 authorizing homeowners' associations to extinguish
 134 discriminatory restrictions; amending s. 721.15, F.S.;
 135 providing requirements for subordinate lienholder
 136 related timeshare estates; amending ss. 455.219,
 137 548.002, 548.05, 548.071, and 548.077, F.S.;
 138 conforming provisions to changes made by the act;
 139 providing an effective date.

140

141 Be It Enacted by the Legislature of the State of Florida:

142

143 Section 1. Subsections (2) and (3) of section 210.09,
 144 Florida Statutes, are amended to read:

145 210.09 Records to be kept; reports to be made;
 146 examination.—

147 (2) The division is authorized to prescribe and promulgate
 148 by rules and regulations, which shall have the force and effect
 149 of the law, such records to be kept and reports to be made to
 150 the division by any manufacturer, importer, distributing agent,

151 wholesale dealer, retail dealer, common carrier, or any other
152 person handling, transporting or possessing cigarettes for sale
153 or distribution within the state as may be necessary to collect
154 and properly distribute the taxes imposed by s. 210.02. All
155 reports shall be made on or before the 10th day of the month
156 following the month for which the report is made, unless the
157 division by rule or regulation shall prescribe that reports be
158 made more often. All reports shall be filed with the division
159 through the division's electronic data submission system.

160 (3) All manufacturers, importers, distributing agents,
161 wholesale dealers, agents, or retail dealers shall maintain and
162 keep for a period of 3 years at the place of business where any
163 transaction takes place, such records of cigarettes received,
164 sold, or delivered within the state as may be required by the
165 division. Such records may be kept in an electronic or paper
166 format. The division or its duly authorized representative is
167 hereby authorized to examine the books, papers, invoices, and
168 other records, the stock of cigarettes in and upon any premises
169 where the same are placed, stored, and sold, and the equipment
170 of any such manufacturers, importers, distributing agents,
171 wholesale dealers, agents, or retail dealers, pertaining to the
172 sale and delivery of cigarettes taxable under this part. To
173 verify the accuracy of the tax imposed and assessed by this
174 part, each person is hereby directed and required to give to the
175 division or its duly authorized representatives the means,

176 facilities, and opportunity for such examinations as are herein
 177 provided for and required.

178 Section 2. Subsection (1) of section 210.55, Florida
 179 Statutes, is amended to read:

180 210.55 Distributors; monthly returns.-

181 (1) On or before the 10th of each month, every taxpayer
 182 with a place of business in this state shall file a full and
 183 complete report ~~return~~ with the division showing the tobacco
 184 products ~~taxable price of each tobacco product~~ brought or caused
 185 to be brought into this state for sale, or made, manufactured,
 186 or fabricated in this state for sale in this state, during the
 187 preceding month. Every taxpayer outside this state shall file a
 188 full and complete report with the division through the
 189 division's electronic data submission system ~~return~~ showing the
 190 quantity and taxable price of each tobacco product shipped or
 191 transported to retailers in this state, to be sold by those
 192 retailers, during the preceding month. Reports must ~~Returns~~
 193 ~~shall~~ be made upon forms furnished and prescribed by the
 194 division and must ~~shall~~ contain any other information that the
 195 division requires. Each report must ~~return shall~~ be accompanied
 196 by a remittance for the full tax liability shown and be filed
 197 with the division through the division's electronic data
 198 submission system.

199 Section 3. Section 210.60, Florida Statutes, is amended to
 200 read:

201 210.60 Books, records, and invoices to be kept and
202 preserved; inspection by agents of division.—Every distributor
203 shall keep in each licensed place of business complete and
204 accurate records for that place of business, including itemized
205 invoices of tobacco products held, purchased, manufactured,
206 brought in or caused to be brought in from without the state, or
207 shipped or transported to retailers in this state, and of all
208 sales of tobacco products made, except sales to an ultimate
209 consumer. Such records shall show the names and addresses of
210 purchasers and other pertinent papers and documents relating to
211 the purchase, sale, or disposition of tobacco products. When a
212 licensed distributor sells tobacco products exclusively to
213 ultimate consumers at the addresses given in the license, no
214 invoice of those sales shall be required, but itemized invoices
215 shall be made of all tobacco products transferred to other
216 retail outlets owned or controlled by that licensed distributor.
217 All books, records and other papers, and other documents
218 required by this section to be kept shall be preserved for a
219 period of at least 3 years after the date of the documents, as
220 aforesaid, or the date of the entries thereof appearing in the
221 records, unless the division, in writing, authorizes their
222 destruction or disposal at an earlier date. At any time during
223 usual business hours, duly authorized agents or employees of the
224 division may enter any place of business of a distributor and
225 inspect the premises, the records required to be kept under this

226 part, and the tobacco products contained therein to determine
227 whether all the provisions of this part are being fully complied
228 with. Refusal to permit such inspection by a duly authorized
229 agent or employee of the division shall be grounds for
230 revocation of the license. Every person who sells tobacco
231 products to persons other than an ultimate consumer shall render
232 with each sale an itemized invoice showing the seller's name and
233 address, the purchaser's name and address, the date of sale, and
234 all prices and discounts. The seller shall preserve legible
235 copies of all such invoices for 3 years from the date of sale.
236 Every retailer shall produce itemized invoices of all tobacco
237 products purchased. The invoices shall show the name and address
238 of the seller and the date of purchase. The retailer shall
239 preserve a legible copy of each such invoice for 3 years from
240 the date of purchase. Invoices shall be available for inspection
241 by authorized agents or employees of the division at the
242 retailer's place of business. Any records required by this
243 section may be kept in an electronic or paper format.

244 Section 4. Paragraph (e) of subsection (3) of section
245 194.011, Florida Statutes, is amended to read:

246 194.011 Assessment notice; objections to assessments.—

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

249 Notwithstanding s. 195.022, a county officer may not refuse to
250 accept a form provided by the department for this purpose if the

251 taxpayer chooses to use it. A petition to the value adjustment
252 board must be signed by the taxpayer or be accompanied at the
253 time of filing by the taxpayer's written authorization or power
254 of attorney, unless the person filing the petition is listed in
255 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
256 petition with a value adjustment board without the taxpayer's
257 signature or written authorization by certifying under penalty
258 of perjury that he or she has authorization to file the petition
259 on behalf of the taxpayer. If a taxpayer notifies the value
260 adjustment board that a petition has been filed for the
261 taxpayer's property without his or her consent, the value
262 adjustment board may require the person filing the petition to
263 provide written authorization from the taxpayer authorizing the
264 person to proceed with the appeal before a hearing is held. If
265 the value adjustment board finds that a person listed in s.
266 194.034(1)(a) willfully and knowingly filed a petition that was
267 not authorized by the taxpayer, the value adjustment board shall
268 require such person to provide the taxpayer's written
269 authorization for representation to the value adjustment board
270 clerk before any petition filed by that person is heard, for 1
271 year after imposition of such requirement by the value
272 adjustment board. A power of attorney or written authorization
273 is valid for 1 assessment year, and a new power of attorney or
274 written authorization by the taxpayer is required for each
275 subsequent assessment year. A petition shall also describe the

276 | property by parcel number and shall be filed as follows:

277 | (e)1. A condominium association, as defined in s. 718.103,
278 | a cooperative association, as defined in s. 719.103, or any
279 | homeowners' association, as defined in s. 723.075, with approval
280 | of its board of administration or directors, may file with the
281 | value adjustment board a single joint petition on behalf of any
282 | association members who own units or parcels of property which
283 | the property appraiser determines are substantially similar with
284 | respect to location, proximity to amenities, number of rooms,
285 | living area, and condition. The condominium association,
286 | cooperative association, or homeowners' association as defined
287 | in s. 723.075 shall provide the unit or parcel owners with
288 | notice of its intent to petition the value adjustment board by
289 | hand delivery or certified mail, return receipt requested,
290 | except that such notice may be electronically transmitted to a
291 | unit owner or parcel owner who has expressly consented in
292 | writing to receiving such notices by electronic transmission. If
293 | the association is a condominium or cooperative association, the
294 | notice must also be posted conspicuously on the condominium or
295 | cooperative property in the same manner as notice of board
296 | meetings under ss. 718.112(2) and 719.106(1). Such notice must
297 | ~~and shall~~ provide at least 14 ~~20~~ days for a unit or parcel owner
298 | to elect, in writing, that his or her unit or parcel not be
299 | included in the petition.

300 | 2. A condominium association, as defined in s. 718.103, a

301 cooperative association, as defined in s. 719.103, or a
 302 homeowners' association as defined in s. 723.075, that has filed
 303 a single joint petition under this subsection may continue to
 304 represent, prosecute, and defend the unit owners through any
 305 related subsequent proceeding in any tribunal, including
 306 judicial review under part II of this chapter and any appeals.
 307 This subparagraph is intended to clarify existing law and
 308 applies to cases pending on July 1, 2020.

309 Section 5. Subsection (2) of section 194.181, Florida
 310 Statutes, is amended to read:

311 194.181 Parties to a tax suit.—

312 (2) (a) In any case brought by a ~~the~~ taxpayer or a
 313 condominium, cooperative, or homeowners' association, as defined
 314 in ss. 718.103, 719.103, and 723.075, respectively, on behalf of
 315 some or all unit owners, contesting the assessment of any
 316 property, the county property appraiser is the ~~shall be~~ party
 317 defendant.

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

321 (c)1. In any case brought by the property appraiser under
 322 s. 194.036(1) (a) or (b) concerning a value adjustment board
 323 decision on a single joint petition filed by a condominium,
 324 cooperative, or homeowners' association under s. 194.011(3), the
 325 association and all unit or parcel owners included in the single

326 joint petition are the party defendants.

327 2. The condominium, cooperative, or homeowners'
328 association must provide unit or parcel owners with notice of
329 its intent to respond to or answer the property appraiser's
330 complaint and advise the unit or parcel owners that they may
331 elect to:

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

333 b. Choose not to defend the appeal; or

334 c. Be represented together with other unit or parcel
335 owners by the association.

336 3. The notice required in subparagraph 2. must be hand
337 delivered or sent by certified mail, return receipt requested,
338 to the unit or parcel owners, except that such notice may be
339 electronically transmitted to a unit or parcel owner who has
340 expressly consented in writing to receiving notices through
341 electronic transmission. Additionally, the notice must be posted
342 conspicuously on the condominium or cooperative property, if
343 applicable, in the same manner as notice of board meetings under
344 ss. 718.112(2) and 719.106(1). The association must provide at
345 least 14 days for a unit or parcel owner to respond to the
346 notice. Any unit or parcel owner who does not respond to the
347 association's notice will be represented by the association.

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

351 Section 6. Subsections (3) through (7) of section
 352 514.0115, Florida Statutes, are renumbered as subsections (4)
 353 through (8), respectively, paragraph (a) of subsection (2) is
 354 amended, and a new subsection (3) is added to that section, to
 355 read:

356 (3) Pools serving homeowners' associations and other
 357 property associations which have no more than 32 units or
 358 parcels and which are not operated as public lodging
 359 establishments are exempt from supervision under this chapter,
 360 except for water quality and ss. 514.0315, 514.05, and 514.06.

361 Section 7. Subsection (7) of section 553.77, Florida
 362 Statutes, is amended to read:

363 553.77 Specific powers of the commission.—

364 (7) Building officials shall recognize and enforce
 365 variance orders issued by the Department of Health pursuant to
 366 s. 514.0115(8) ~~s. 514.0115(7)~~, including any conditions attached
 367 to the granting of the variance.

368 Section 8. Section 548.003, Florida Statutes, is amended
 369 to read:

370 548.003 Florida Athletic ~~State Boxing~~ Commission.—

371 (1) The Florida Athletic ~~State Boxing~~ Commission is
 372 created and is assigned to the Department of Business and
 373 Professional Regulation for administrative and fiscal
 374 accountability purposes only. The ~~Florida State Boxing~~
 375 commission shall consist of five members appointed by the

376 Governor, subject to confirmation by the Senate. One member must
377 be a physician licensed pursuant to chapter 458 or chapter 459,
378 who must maintain an unencumbered license in good standing, and
379 who must, at the time of her or his appointment, have practiced
380 medicine for at least 5 years. Upon the expiration of the term
381 of a commissioner, the Governor shall appoint a successor to
382 serve for a 4-year term. A commissioner whose term has expired
383 shall continue to serve on the commission until such time as a
384 replacement is appointed. If a vacancy on the commission occurs
385 before ~~prior to~~ the expiration of the term, it shall be filled
386 for the unexpired portion of the term in the same manner as the
387 original appointment.

388 (2) The ~~Florida State Boxing~~ commission, as created by
389 subsection (1), shall administer the provisions of this chapter.
390 The commission has authority to adopt rules pursuant to ss.
391 120.536(1) and 120.54 to implement the provisions of this
392 chapter and to implement each of the duties and responsibilities
393 conferred upon the commission, including, but not limited to:

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

396 (b) Facility and safety requirements relating to the ring,
397 floor plan and apron seating, emergency medical equipment and
398 services, and other equipment and services necessary for the
399 conduct of a program of matches.

400 (c) Requirements regarding a participant's apparel,

401 bandages, handwraps, gloves, mouthpiece, and appearance during a
402 match.

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

405 (e) Duties and responsibilities of all licensees under
406 this chapter.

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

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

409 (h) Qualifications for and appointment of chief inspectors
410 and inspectors and duties and responsibilities of chief
411 inspectors and inspectors with respect to oversight and
412 coordination of activities for each program of matches regulated
413 under this chapter.

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

415 (j) Setting fee and reimbursement schedules for referees
416 and other officials appointed by the commission or the
417 representative of the commission.

418 (k) Establishment of criteria for approval, disapproval,
419 suspension of approval, and revocation of approval of amateur
420 sanctioning organizations for amateur boxing, kickboxing, and
421 mixed martial arts held in this state, including, but not
422 limited to, the health and safety standards the organizations
423 use before, during, and after the matches to ensure the health,
424 safety, and well-being of the amateurs participating in the
425 matches, including the qualifications and numbers of health care

426 personnel required to be present, the qualifications required
427 for referees, and other requirements relating to the health,
428 safety, and well-being of the amateurs participating in the
429 matches. The commission may adopt by rule, or incorporate by
430 reference into rule, the health and safety standards of USA
431 Boxing as the minimum health and safety standards for an amateur
432 boxing sanctioning organization, the health and safety standards
433 of the International Sport Kickboxing Association as the minimum
434 health and safety standards for an amateur kickboxing
435 sanctioning organization, and the minimum health and safety
436 standards for an amateur mixed martial arts sanctioning
437 organization. The commission shall review its rules for
438 necessary revision at least every 2 years and may adopt by rule,
439 or incorporate by reference into rule, the then-existing current
440 health and safety standards of USA Boxing and the International
441 Sport Kickboxing Association. The commission may adopt emergency
442 rules to administer this paragraph.

443 (3) The commission shall maintain an office in
444 Tallahassee. At the first meeting of the commission after June 1
445 of each year, the commission shall select a chair and a vice
446 chair from among its membership. Three members shall constitute
447 a quorum and the concurrence of at least three members is
448 necessary for official commission action.

449 (4) Three consecutive unexcused absences or absences
450 constituting 50 percent or more of the commission's meetings

451 within any 12-month period shall cause the commission membership
452 of the member in question to become void, and the position shall
453 be considered vacant. The commission shall, by rule, define
454 unexcused absences.

455 (5) Each commission member shall be accountable to the
456 Governor for the proper performance of duties as a member of the
457 commission. The Governor shall cause to be investigated any
458 complaint or unfavorable report received by the Governor or the
459 department concerning an action of the commission or any member
460 and shall take appropriate action thereon. The Governor may
461 remove from office any member for malfeasance, unethical
462 conduct, misfeasance, neglect of duty, incompetence, permanent
463 inability to perform official duties, or pleading guilty or nolo
464 contendere to or being found guilty of a felony.

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

469 (7) The commission shall be authorized to join and
470 participate in the activities of the Association of Boxing
471 Commissions (ABC).

472 (8) The department shall provide all legal and
473 investigative services necessary to implement this chapter. The
474 department may adopt rules as provided in ss. 120.536(1) and
475 120.54 to carry out its duties under this chapter.

476 Section 9. Subsection (3) of section 548.043, Florida
477 Statutes, is amended to read:

478 548.043 Weights and classes, limitations; gloves.—

479 (3) The commission shall establish by rule the need for
480 gloves, if any, and the weight of any such gloves to be used in
481 each pugilistic match ~~the appropriate weight of gloves to be~~
482 ~~used in each boxing match; however, all participants in boxing~~
483 ~~matches shall wear gloves weighing not less than 8 ounces each~~
484 ~~and participants in mixed martial arts matches shall wear gloves~~
485 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
486 protective devices as the commission deems necessary.

487 Section 10. Subsection (20) of section 561.01, Florida
488 Statutes, is amended to read:

489 561.01 Definitions.—As used in the Beverage Law:

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

492 Section 11. Subsections (1) and (2) of section 561.17,
493 Florida Statutes, are amended, and subsection (5) is added to
494 that section, to read:

495 561.17 License and registration applications; approved
496 person.—

497 (1) Any person, before engaging in the business of
498 manufacturing, bottling, distributing, selling, or in any way
499 dealing in alcoholic beverages, shall file, with the district
500 licensing personnel of the district of the division in which the

501 place of business for which a license is sought is located, a
502 sworn application in the format prescribed by the division. The
503 applicant must be a legal or business entity, person, or persons
504 and must include all persons, officers, shareholders, and
505 directors of such legal or business entity that have a direct or
506 indirect interest in the business seeking to be licensed under
507 this part. However, the applicant does not include any person
508 that derives revenue from the license solely through a
509 contractual relationship with the licensee, the substance of
510 which contractual relationship is not related to the control of
511 the sale of alcoholic beverages. Before any application is
512 approved, the division may require the applicant to file a set
513 of fingerprints electronically through an approved electronic
514 fingerprinting vendor or on ~~regular United States Department of~~
515 Justice forms prescribed by the Florida Department of Law
516 Enforcement for herself or himself and for any person or persons
517 interested directly or indirectly with the applicant in the
518 business for which the license is being sought, when required by
519 the division. If the applicant or any person who is interested
520 with the applicant either directly or indirectly in the business
521 or who has a security interest in the license being sought or
522 has a right to a percentage payment from the proceeds of the
523 business, either by lease or otherwise, is not qualified, the
524 division shall deny the application. However, any company
525 regularly traded on a national securities exchange and not over

526 | the counter; any insurer, as defined in the Florida Insurance
527 | Code; or any bank or savings and loan association chartered by
528 | this state, another state, or the United States which has an
529 | interest, directly or indirectly, in an alcoholic beverage
530 | license is not required to obtain the division's approval of its
531 | officers, directors, or stockholders or any change of such
532 | positions or interests. A shopping center with five or more
533 | stores, one or more of which has an alcoholic beverage license
534 | and is required under a lease common to all shopping center
535 | tenants to pay no more than 10 percent of the gross proceeds of
536 | the business holding the license to the shopping center, is not
537 | considered as having an interest, directly or indirectly, in the
538 | license. A performing arts center, as defined in s. 561.01,
539 | which has an interest, directly or indirectly, in an alcoholic
540 | beverage license is not required to obtain division approval of
541 | its volunteer officers or directors or of any change in such
542 | positions or interests.

543 | (2) All applications for any alcoholic beverage license
544 | must be accompanied by proof of the applicant's right of
545 | occupancy for the entire premises sought to be licensed. All
546 | applications for alcoholic beverage licenses for consumption on
547 | the premises shall be accompanied by a certificate of the
548 | Division of Hotels and Restaurants of the Department of Business
549 | and Professional Regulation, the Department of Agriculture and
550 | Consumer Services, the Department of Health, the Agency for

551 Health Care Administration, or the county health department that
552 the place of business wherein the business is to be conducted
553 meets all of the sanitary requirements of the state.

554 (5) Any person or entity licensed or permitted by the
555 division must provide an electronic mail address to the division
556 to function as the primary contact for all communication by the
557 division to the licensee or permittees. Licensees and permittees
558 are responsible for maintaining accurate contact information on
559 file with the division.

560 Section 12. Paragraph (a) of subsection (2) of section
561 561.20, Florida Statutes, is amended to read:

562 561.20 Limitation upon number of licenses issued.—

563 (2) (a) The limitation of the number of licenses as
564 provided in this section does not prohibit the issuance of a
565 special license to:

566 1. Any bona fide hotel, motel, or motor court of not fewer
567 than 80 guest rooms in any county having a population of less
568 than 50,000 residents, and of not fewer than 100 guest rooms in
569 any county having a population of 50,000 residents or greater;
570 or any bona fide hotel or motel located in a historic structure,
571 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
572 guest rooms which derives at least 51 percent of its gross
573 revenue from the rental of hotel or motel rooms, which is
574 licensed as a public lodging establishment by the Division of
575 Hotels and Restaurants; provided, however, that a bona fide

576 hotel or motel with no fewer than 10 and no more than 25 guest
577 rooms which is a historic structure, as defined in s. 561.01(20)
578 ~~s. 561.01(21)~~, in a municipality that on the effective date of
579 this act has a population, according to the University of
580 Florida's Bureau of Economic and Business Research Estimates of
581 Population for 1998, of no fewer than 25,000 and no more than
582 35,000 residents and that is within a constitutionally chartered
583 county may be issued a special license. This special license
584 shall allow the sale and consumption of alcoholic beverages only
585 on the licensed premises of the hotel or motel. In addition, the
586 hotel or motel must derive at least 60 percent of its gross
587 revenue from the rental of hotel or motel rooms and the sale of
588 food and nonalcoholic beverages; provided that this subparagraph
589 shall supersede local laws requiring a greater number of hotel
590 rooms;

591 2. Any condominium accommodation of which no fewer than
592 100 condominium units are wholly rentable to transients and
593 which is licensed under chapter 509, except that the license
594 shall be issued only to the person or corporation that operates
595 the hotel or motel operation and not to the association of
596 condominium owners;

597 3. Any condominium accommodation of which no fewer than 50
598 condominium units are wholly rentable to transients, which is
599 licensed under chapter 509, and which is located in any county
600 having home rule under s. 10 or s. 11, Art. VIII of the State

601 Constitution of 1885, as amended, and incorporated by reference
602 in s. 6(e), Art. VIII of the State Constitution, except that the
603 license shall be issued only to the person or corporation that
604 operates the hotel or motel operation and not to the association
605 of condominium owners;

606 4. A food service establishment that has 2,500 square feet
607 of service area, is equipped to serve meals to 150 persons at
608 one time, and derives at least 51 percent of its gross food and
609 beverage revenue from the sale of food and nonalcoholic
610 beverages during the first 120-day ~~60-day~~ operating period and
611 the first each 12-month operating period thereafter. Subsequent
612 audit timeframes must be based upon the audit percentage
613 established by the most recent audit and conducted on a
614 staggered scale as follows: level 1, 51 percent to 60 percent,
615 every year; level 2, 61 percent to 75 percent, every 2 years;
616 level 3, 76 percent to 90 percent, every 3 years; and level 4,
617 91 percent to 100 percent, every 4 years. A food service
618 establishment granted a special license on or after January 1,
619 1958, pursuant to general or special law may not operate as a
620 package store and may not sell intoxicating beverages under such
621 license after the hours of serving or consumption of food have
622 elapsed. Failure by a licensee to meet the required percentage
623 of food and nonalcoholic beverage gross revenues during the
624 covered operating period shall result in revocation of the
625 license or denial of the pending license application. A licensee

626 | whose license is revoked or an applicant whose pending
627 | application is denied, or any person required to qualify on the
628 | special license application, is ineligible to have any interest
629 | in a subsequent application for such a license for a period of
630 | 120 days after the date of the final denial or revocation;

631 | 5. Any caterer, deriving at least 51 percent of its gross
632 | food and beverage revenue from the sale of food and nonalcoholic
633 | beverages at each catered event, licensed by the Division of
634 | Hotels and Restaurants under chapter 509. This subparagraph does
635 | not apply to a culinary education program, as defined in s.
636 | 381.0072(2), which is licensed as a public food service
637 | establishment by the Division of Hotels and Restaurants and
638 | provides catering services. Notwithstanding any law to the
639 | contrary, a licensee under this subparagraph shall sell or serve
640 | alcoholic beverages only for consumption on the premises of a
641 | catered event at which the licensee is also providing prepared
642 | food, and shall prominently display its license at any catered
643 | event at which the caterer is selling or serving alcoholic
644 | beverages. A licensee under this subparagraph shall purchase all
645 | alcoholic beverages it sells or serves at a catered event from a
646 | vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
647 | under s. 565.02(1) subject to the limitation imposed in
648 | subsection (1), as appropriate. A licensee under this
649 | subparagraph may not store any alcoholic beverages to be sold or
650 | served at a catered event. Any alcoholic beverages purchased by

651 a licensee under this subparagraph for a catered event that are
652 not used at that event must remain with the customer; provided
653 that if the vendor accepts unopened alcoholic beverages, the
654 licensee may return such alcoholic beverages to the vendor for a
655 credit or reimbursement. Regardless of the county or counties in
656 which the licensee operates, a licensee under this subparagraph
657 shall pay the annual state license tax set forth in s.
658 565.02(1)(b). A licensee under this subparagraph must maintain
659 for a period of 3 years all records and receipts for each
660 catered event, including all contracts, customers' names, event
661 locations, event dates, food purchases and sales, alcoholic
662 beverage purchases and sales, nonalcoholic beverage purchases
663 and sales, and any other records required by the department by
664 rule to demonstrate compliance with the requirements of this
665 subparagraph. Notwithstanding any law to the contrary, any
666 vendor licensed under s. 565.02(1) subject to the limitation
667 imposed in subsection (1), may, without any additional licensure
668 under this subparagraph, serve or sell alcoholic beverages for
669 consumption on the premises of a catered event at which prepared
670 food is provided by a caterer licensed under chapter 509. If a
671 licensee under this subparagraph also possesses any other
672 license under the Beverage Law, the license issued under this
673 subparagraph shall not authorize the holder to conduct
674 activities on the premises to which the other license or
675 licenses apply that would otherwise be prohibited by the terms

676 of that license or the Beverage Law. Nothing in this section
677 shall permit the licensee to conduct activities that are
678 otherwise prohibited by the Beverage Law or local law. The
679 Division of Alcoholic Beverages and Tobacco is hereby authorized
680 to adopt rules to administer the license created in this
681 subparagraph, to include rules governing licensure,
682 recordkeeping, and enforcement. The first \$300,000 in fees
683 collected by the division each fiscal year pursuant to this
684 subparagraph shall be deposited in the Department of Children
685 and Families' Operations and Maintenance Trust Fund to be used
686 only for alcohol and drug abuse education, treatment, and
687 prevention programs. The remainder of the fees collected shall
688 be deposited into the Hotel and Restaurant Trust Fund created
689 pursuant to s. 509.072; or

690 6. A culinary education program as defined in s.
691 381.0072(2) which is licensed as a public food service
692 establishment by the Division of Hotels and Restaurants.

693 a. This special license shall allow the sale and
694 consumption of alcoholic beverages on the licensed premises of
695 the culinary education program. The culinary education program
696 shall specify designated areas in the facility where the
697 alcoholic beverages may be consumed at the time of application.
698 Alcoholic beverages sold for consumption on the premises may be
699 consumed only in areas designated pursuant to s. 561.01(11) and
700 may not be removed from the designated area. Such license shall

701 be applicable only in and for designated areas used by the
702 culinary education program.

703 b. If the culinary education program provides catering
704 services, this special license shall also allow the sale and
705 consumption of alcoholic beverages on the premises of a catered
706 event at which the licensee is also providing prepared food. A
707 culinary education program that provides catering services is
708 not required to derive at least 51 percent of its gross revenue
709 from the sale of food and nonalcoholic beverages.

710 Notwithstanding any law to the contrary, a licensee that
711 provides catering services under this sub-subparagraph shall
712 prominently display its beverage license at any catered event at
713 which the caterer is selling or serving alcoholic beverages.
714 Regardless of the county or counties in which the licensee
715 operates, a licensee under this sub-subparagraph shall pay the
716 annual state license tax set forth in s. 565.02(1)(b). A
717 licensee under this sub-subparagraph must maintain for a period
718 of 3 years all records required by the department by rule to
719 demonstrate compliance with the requirements of this sub-
720 subparagraph.

721 c. If a licensee under this subparagraph also possesses
722 any other license under the Beverage Law, the license issued
723 under this subparagraph does not authorize the holder to conduct
724 activities on the premises to which the other license or
725 licenses apply that would otherwise be prohibited by the terms

726 of that license or the Beverage Law. Nothing in this
727 subparagraph shall permit the licensee to conduct activities
728 that are otherwise prohibited by the Beverage Law or local law.
729 Any culinary education program that holds a license to sell
730 alcoholic beverages shall comply with the age requirements set
731 forth in ss. 562.11(4), 562.111(2), and 562.13.

732 d. The Division of Alcoholic Beverages and Tobacco may
733 adopt rules to administer the license created in this
734 subparagraph, to include rules governing licensure,
735 recordkeeping, and enforcement.

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

739
740 However, any license heretofore issued to any such hotel, motel,
741 motor court, or restaurant or hereafter issued to any such
742 hotel, motel, or motor court, including a condominium
743 accommodation, under the general law shall not be moved to a new
744 location, such license being valid only on the premises of such
745 hotel, motel, motor court, or restaurant. Licenses issued to
746 hotels, motels, motor courts, or restaurants under the general
747 law and held by such hotels, motels, motor courts, or
748 restaurants on May 24, 1947, shall be counted in the quota
749 limitation contained in subsection (1). Any license issued for
750 any hotel, motel, or motor court under this law shall be issued

751 only to the owner of the hotel, motel, or motor court or, in the
752 event the hotel, motel, or motor court is leased, to the lessee
753 of the hotel, motel, or motor court; and the license shall
754 remain in the name of the owner or lessee so long as the license
755 is in existence. Any special license now in existence heretofore
756 issued under this law cannot be renewed except in the name of
757 the owner of the hotel, motel, motor court, or restaurant or, in
758 the event the hotel, motel, motor court, or restaurant is
759 leased, in the name of the lessee of the hotel, motel, motor
760 court, or restaurant in which the license is located and must
761 remain in the name of the owner or lessee so long as the license
762 is in existence. Any license issued under this section shall be
763 marked "Special," and nothing herein provided shall limit,
764 restrict, or prevent the issuance of a special license for any
765 restaurant or motel which shall hereafter meet the requirements
766 of the law existing immediately prior to the effective date of
767 this act, if construction of such restaurant has commenced prior
768 to the effective date of this act and is completed within 30
769 days thereafter, or if an application is on file for such
770 special license at the time this act takes effect; and any such
771 licenses issued under this proviso may be annually renewed as
772 now provided by law. Nothing herein prevents an application for
773 transfer of a license to a bona fide purchaser of any hotel,
774 motel, motor court, or restaurant by the purchaser of such
775 facility or the transfer of such license pursuant to law.

776 Section 13. Subsection (4) of section 561.42, Florida
777 Statutes, is amended to read:

778 561.42 Tied house evil; financial aid and assistance to
779 vendor by manufacturer, distributor, importer, primary American
780 source of supply, brand owner or registrant, or any broker,
781 sales agent, or sales person thereof, prohibited; procedure for
782 enforcement; exception.—

783 (4) Before the division shall so declare and prohibit such
784 sales to such vendor, ~~it shall~~, within 2 days after receipt of
785 such notice, the division shall give ~~written~~ notice to such
786 vendor by electronic mail of the receipt by the division of such
787 notification of delinquency and such vendor shall be directed to
788 forthwith make payment thereof or, upon failure to do so, to
789 show cause before the division why further sales to such vendor
790 shall not be prohibited. Good and sufficient cause to prevent
791 such action by the division may be made by showing payment,
792 failure of consideration, or any other defense which would be
793 considered sufficient in a common-law action. The vendor shall
794 have 5 days after service ~~receipt~~ of such notice via electronic
795 mail within which to show such cause, and he or she may demand a
796 hearing thereon, provided he or she does so in writing within
797 said 5 days, such written demand to be delivered to the division
798 either in person, by electronic mail, or by due course of mail
799 within such 5 days. If no such demand for hearing is made, the
800 division shall thereupon declare in writing to such vendor and

801 to all manufacturers and distributors within the state that all
802 further sales to such vendor are prohibited until such time as
803 the division certifies in writing that such vendor has fully
804 paid for all liquors previously purchased. In the event such
805 prohibition of sales and declaration thereof to the vendor,
806 manufacturers, and distributors is ordered by the division, the
807 vendor may seek review of such decision by the Department of
808 Business and Professional Regulation within 5 days. In the event
809 application for such review is filed within such time, such
810 prohibition of sales shall not be made, published, or declared
811 until final disposition of such review by the department.

812 Section 14. Subsection (2) of section 561.55, Florida
813 Statutes, is amended to read:

814 561.55 Manufacturers', distributors', brokers', sales
815 agents', importers', vendors', and exporters' records and
816 reports.—

817 (2) Each manufacturer, distributor, broker, sales agent,
818 and importer shall make a full and complete report by the 10th
819 day of each month for the previous calendar month. The report
820 must be ~~shall be made out in triplicate; two copies shall be~~
821 ~~sent to the division, and the third copy shall be retained for~~
822 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
823 ~~importer's record. Reports shall be made on forms prepared and~~
824 ~~furnished~~ by the division and filed with the division through
825 the division's electronic data submission system.

826 Section 15. Section 562.455, Florida Statutes, is amended
 827 to read:

828 562.455 Adulterating liquor; penalty.—Whoever adulterates,
 829 for the purpose of sale, any liquor, used or intended for drink,
 830 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,
 831 capsicum, copperas, laurel water, logwood, brazil wood,
 832 cochineal, sugar of lead, or any other substance which is
 833 poisonous or injurious to health, and whoever knowingly sells
 834 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
 835 of the third degree, punishable as provided in s. 775.082, s.
 836 775.083, or s. 775.084.

837 Section 16. Subsection (4) of section 627.714, Florida
 838 Statutes, is amended to read:

839 627.714 Residential condominium unit owner coverage; loss
 840 assessment coverage required.—

841 (4) Every individual unit owner's residential property
 842 policy must contain a provision stating that the coverage
 843 afforded by such policy is excess coverage over the amount
 844 recoverable under any other policy covering the same property.
 845 If a condominium association's insurance policy does not provide
 846 rights for subrogation against the unit owners in the
 847 association, an insurance policy issued to an individual unit
 848 owner located in the association may not provide rights of
 849 subrogation against the condominium association.

850 Section 17. Section 712.065, Florida Statutes, is created

851 to read:

852 712.065 Extinguishment of discriminatory restrictions.—

853 (1) As used in this section, the term "discriminatory
854 restriction" means a provision in a title transaction recorded
855 in the state which restricts the ownership, occupancy, or use of
856 any real property in this state by any natural person on the
857 basis of a characteristic that has been held, or is held after
858 July 1, 2020, by the United States Supreme Court or the Florida
859 Supreme Court to be protected against discrimination under the
860 Fourteenth Amendment to the United States Constitution or under
861 s. 2, Art. I of the State Constitution, including race, color,
862 national origin, religion, gender, or physical disability.

863 (2) A discriminatory restriction is not enforceable in the
864 state, and a discriminatory restriction contained in a title
865 transaction recorded in the state is unlawful, unenforceable,
866 and void. A discriminatory restriction contained in a previously
867 recorded title transaction is extinguished and severed from the
868 recorded title transaction and the remainder of the title
869 transaction remains enforceable and effective. The recording of
870 a notice preserving or protecting interests or rights under s.
871 712.06 does not reimpose or preserve a discriminatory
872 restriction that is extinguished under this section.

873 (3) Upon request of a parcel owner, a discriminatory
874 restriction appearing in a covenant or restriction affecting the
875 parcel may be removed from the covenant or restriction by an

876 amendment approved by a majority vote of the board of directors
 877 of the respective property owners' association or an owners'
 878 association in which all owners may voluntarily join,
 879 notwithstanding any other requirements for approval of an
 880 amendment of the covenant or restriction. Unless the amendment
 881 also changes other provisions of the covenant or restriction,
 882 the recording of an amendment removing a discriminatory
 883 restriction does not constitute a title transaction occurring
 884 after the root of title for purposes of s. 712.03(4).

885 Section 18. Paragraph (a) of subsection (1), subsection
 886 (3), and paragraphs (a), (b), (c), (f), and (g) of subsection
 887 (12) of section 718.111, Florida Statutes, are amended to read:

888 718.111 The association.—

889 (1) CORPORATE ENTITY.—

890 (a) The operation of the condominium shall be by the
 891 association, which must be a Florida corporation for profit or a
 892 Florida corporation not for profit. However, any association
 893 which was in existence on January 1, 1977, need not be
 894 incorporated. The owners of units shall be shareholders or
 895 members of the association. The officers and directors of the
 896 association have a fiduciary relationship to the unit owners. It
 897 is the intent of the Legislature that nothing in this paragraph
 898 shall be construed as providing for or removing a requirement of
 899 a fiduciary relationship between any manager employed by the
 900 association and the unit owners. An officer, director, or

901 manager may not solicit, offer to accept, or accept any thing or
902 service of value or kickback for which consideration has not
903 been provided for his or her own benefit or that of his or her
904 immediate family, from any person providing or proposing to
905 provide goods or services to the association. Any such officer,
906 director, or manager who knowingly so solicits, offers to
907 accept, or accepts any thing or service of value or kickback is
908 subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s.~~
909 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided
910 in paragraph (d). However, this paragraph does not prohibit an
911 officer, director, or manager from accepting services or items
912 received in connection with trade fairs or education programs.
913 An association may operate more than one condominium.

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

916 (a) The association may contract, sue, or be sued with
917 respect to the exercise or nonexercise of its powers. For these
918 purposes, the powers of the association include, but are not
919 limited to, the maintenance, management, and operation of the
920 condominium property.

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

923 1. Institute, maintain, settle, or appeal actions or
924 hearings in its name on behalf of all unit owners concerning
925 matters of common interest to most or all unit owners,

926 including, but not limited to, the common elements; the roof and
927 structural components of a building or other improvements;
928 mechanical, electrical, and plumbing elements serving an
929 improvement or a building; representations of the developer
930 pertaining to any existing or proposed commonly used facilities;

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

933 3. Defend actions pertaining to ad valorem taxation of
934 commonly used facilities or units or related to ~~in~~ eminent
935 domain; or

936 4. Bring inverse condemnation actions.

937 (c) If the association has the authority to maintain a
938 class action, the association may be joined in an action as
939 representative of that class with reference to litigation and
940 disputes involving the matters for which the association could
941 bring a class action.

942 (d) The association, in its own name or on behalf of some
943 or all unit owners, may institute, file, protest, maintain, or
944 defend any administrative challenge, lawsuit, appeal, or other
945 challenge to ad valorem taxes assessed on units, commonly used
946 facilities, or common elements. Other than as provided in s.
947 194.181(2)(c)1., the affected association members are not
948 necessary or indispensable parties to such actions.. This
949 paragraph is intended to clarify existing law and applies to
950 cases pending on July 1, 2020.

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

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

957 (12) OFFICIAL RECORDS.—

958 (a) From the inception of the association, the association
 959 shall maintain each of the following items, if applicable, which
 960 constitutes the official records of the association:

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

963 2. A photocopy of the recorded declaration of condominium
 964 of each condominium operated by the association and each
 965 amendment to each declaration.

966 3. A photocopy of the recorded bylaws of the association
 967 and each amendment to the bylaws.

968 4. A certified copy of the articles of incorporation of
 969 the association, or other documents creating the association,
 970 and each amendment thereto.

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

972 6. A book or books that contain the minutes of all
 973 meetings of the association, the board of administration, and
 974 the unit owners.

975 7. A current roster of all unit owners and their mailing

976 addresses, unit identifications, voting certifications, and, if
977 known, telephone numbers. The association shall also maintain
978 the e-mail addresses and facsimile numbers of unit owners
979 consenting to receive notice by electronic transmission. The e-
980 mail addresses and facsimile numbers are not accessible to unit
981 owners if consent to receive notice by electronic transmission
982 is not provided in accordance with sub-subparagraph (c)3.e.
983 However, the association is not liable for an inadvertent
984 disclosure of the e-mail address or facsimile number for
985 receiving electronic transmission of notices.

986 8. All current insurance policies of the association and
987 condominiums operated by the association.

988 9. A current copy of any management agreement, lease, or
989 other contract to which the association is a party or under
990 which the association or the unit owners have an obligation or
991 responsibility.

992 10. Bills of sale or transfer for all property owned by
993 the association.

994 11. Accounting records for the association and separate
995 accounting records for each condominium that the association
996 operates. Any person who knowingly or intentionally defaces or
997 destroys such records, or who knowingly or intentionally fails
998 to create or maintain such records, with the intent of causing
999 harm to the association or one or more of its members, is
1000 personally subject to a civil penalty under s. 718.501(2)(d)

1001 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must
1002 include, but are not limited to:

1003 a. Accurate, itemized, and detailed records of all
1004 receipts and expenditures.

1005 b. A current account and a monthly, bimonthly, or
1006 quarterly statement of the account for each unit designating the
1007 name of the unit owner, the due date and amount of each
1008 assessment, the amount paid on the account, and the balance due.

1009 c. All audits, reviews, accounting statements, and
1010 financial reports of the association or condominium.

1011 d. All contracts for work to be performed. Bids for work
1012 to be performed are also considered official records and must be
1013 maintained by the association for at least 1 year after receipt
1014 of the bid.

1015 12. Ballots, sign-in sheets, voting proxies, and all other
1016 papers and electronic records relating to voting by unit owners,
1017 which must be maintained for 1 year from the date of the
1018 election, vote, or meeting to which the document relates,
1019 notwithstanding paragraph (b).

1020 13. All rental records if the association is acting as
1021 agent for the rental of condominium units.

1022 14. A copy of the current question and answer sheet as
1023 described in s. 718.504.

1024 15. All other written records of the association not
1025 specifically included in the foregoing which are related to the

1026 operation of the association.

1027 16. A copy of the inspection report as described in s.
1028 718.301(4)(p).

1029 17. Bids for materials, equipment, or services.

1030 (b) The official records specified in subparagraphs (a)1.-
1031 6. must be permanently maintained from the inception of the
1032 association. Bids for work to be performed or for materials,
1033 equipment, or services must be maintained for at least 1 year
1034 after receipt of the bid. All other official records must be
1035 maintained within the state for at least 7 years, unless
1036 otherwise provided by general law. All official records must be
1037 maintained in a manner and format determined by the division so
1038 that the records are easily accessible for inspection. The
1039 records of the association shall be made available to a unit
1040 owner within 45 miles of the condominium property or within the
1041 county in which the condominium property is located within 10
1042 working days after receipt of a written request by the board or
1043 its designee. However, such distance requirement does not apply
1044 to an association governing a timeshare condominium. This
1045 paragraph may be complied with by having a copy of the official
1046 records of the association available for inspection or copying
1047 on the condominium property or association property, or the
1048 association may offer the option of making the records available
1049 to a unit owner electronically via the Internet or by allowing
1050 the records to be viewed in electronic format on a computer

1051 screen and printed upon request. The association is not
1052 responsible for the use or misuse of the information provided to
1053 an association member or his or her authorized representative in
1054 ~~pursuant to the~~ compliance with ~~requirements of~~ this chapter
1055 unless the association has an affirmative duty not to disclose
1056 such information under ~~pursuant to~~ this chapter.

1057 (c)1. The official records of the association are open to
1058 inspection by any association member or the authorized
1059 representative of such member at all reasonable times. The right
1060 to inspect the records includes the right to make or obtain
1061 copies, at the reasonable expense, if any, of the member or
1062 authorized representative of such member. A renter of a unit
1063 only has a right to inspect and copy the declaration of
1064 condominium and association's bylaws and rules. The association
1065 must provide a checklist to the member or the authorized
1066 representative of such member of all records that are made
1067 available for inspection and copying in response to a written
1068 request. If any or all of the association's official records are
1069 not available, such records must be identified on the checklist
1070 provided to the person requesting the records. The checklist
1071 must be signed by a manager licensed under part VIII of chapter
1072 468 certifying that the checklist is accurate to the best of his
1073 or her knowledge and belief or the association must provide the
1074 person requesting the records a sworn affidavit attesting to the
1075 veracity of the checklist executed by the person responding to

1076 the written request on behalf of the association. The
1077 association must maintain a copy of the checklist and affidavit,
1078 if required, for at least 7 years. Delivery of the checklist and
1079 affidavit, if required, to the person requesting the records
1080 creates a rebuttable presumption that the association complied
1081 with this paragraph. The association may adopt reasonable rules
1082 regarding the frequency, time, location, notice, and manner of
1083 record inspections and copying, but may not require a member to
1084 demonstrate any purpose or state any reason for the inspection.
1085 The failure of an association to provide the records within 10
1086 working days after receipt of a written request creates a
1087 rebuttable presumption that the association willfully failed to
1088 comply with this paragraph. A unit owner who is denied access to
1089 official records is entitled to the actual damages or minimum
1090 damages for the association's willful failure to comply. Minimum
1091 damages are \$50 per calendar day for up to 10 days, beginning on
1092 the 11th working day after receipt of the written request. The
1093 failure to permit inspection entitles any person prevailing in
1094 an enforcement action to recover reasonable attorney fees from
1095 the person in control of the records who, directly or
1096 indirectly, knowingly denied access to the records.

1097 2. Any person who knowingly or intentionally defaces or
1098 destroys accounting records that are required by this chapter to
1099 be maintained during the period for which such records are
1100 required to be maintained, or who knowingly or intentionally

1101 fails to create or maintain accounting records that are required
1102 to be created or maintained, with the intent of causing harm to
1103 the association or one or more of its members, is personally
1104 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~
1105 ~~718.501(1)(d)~~.

1106 3. The association shall maintain an adequate number of
1107 copies of the declaration, articles of incorporation, bylaws,
1108 and rules, and all amendments to each of the foregoing, as well
1109 as the question and answer sheet as described in s. 718.504 and
1110 year-end financial information required under this section, on
1111 the condominium property to ensure their availability to unit
1112 owners and prospective purchasers, and may charge its actual
1113 costs for preparing and furnishing these documents to those
1114 requesting the documents. An association shall allow a member or
1115 his or her authorized representative to use a portable device,
1116 including a smartphone, tablet, portable scanner, or any other
1117 technology capable of scanning or taking photographs, to make an
1118 electronic copy of the official records in lieu of the
1119 association's providing the member or his or her authorized
1120 representative with a copy of such records. The association may
1121 not charge a member or his or her authorized representative for
1122 the use of a portable device. Notwithstanding this paragraph,
1123 the following records are not accessible to unit owners:

1124 a. Any record protected by the lawyer-client privilege as
1125 described in s. 90.502 and any record protected by the work-

1126 product privilege, including a record prepared by an association
1127 attorney or prepared at the attorney's express direction, which
1128 reflects a mental impression, conclusion, litigation strategy,
1129 or legal theory of the attorney or the association, and which
1130 was prepared exclusively for civil or criminal litigation or for
1131 adversarial administrative proceedings, or which was prepared in
1132 anticipation of such litigation or proceedings until the
1133 conclusion of the litigation or proceedings.

1134 b. Information obtained by an association in connection
1135 with the approval of the lease, sale, or other transfer of a
1136 unit.

1137 c. Personnel records of association or management company
1138 employees, including, but not limited to, disciplinary, payroll,
1139 health, and insurance records. For purposes of this sub-
1140 subparagraph, the term "personnel records" does not include
1141 written employment agreements with an association employee or
1142 management company, or budgetary or financial records that
1143 indicate the compensation paid to an association employee.

1144 d. Medical records of unit owners.

1145 e. Social security numbers, driver license numbers, credit
1146 card numbers, e-mail addresses, telephone numbers, facsimile
1147 numbers, emergency contact information, addresses of a unit
1148 owner other than as provided to fulfill the association's notice
1149 requirements, and other personal identifying information of any
1150 person, excluding the person's name, unit designation, mailing

1151 address, property address, and any address, e-mail address, or
1152 facsimile number provided to the association to fulfill the
1153 association's notice requirements. Notwithstanding the
1154 restrictions in this sub-subparagraph, an association may print
1155 and distribute to unit ~~parcel~~ owners a directory containing the
1156 name, unit ~~parcel~~ address, and all telephone numbers of each
1157 unit ~~parcel~~ owner. However, an owner may exclude his or her
1158 telephone numbers from the directory by so requesting in writing
1159 to the association. An owner may consent in writing to the
1160 disclosure of other contact information described in this sub-
1161 subparagraph. The association is not liable for the inadvertent
1162 disclosure of information that is protected under this sub-
1163 subparagraph if the information is included in an official
1164 record of the association and is voluntarily provided by an
1165 owner and not requested by the association.

1166 f. Electronic security measures that are used by the
1167 association to safeguard data, including passwords.

1168 g. The software and operating system used by the
1169 association which allow the manipulation of data, even if the
1170 owner owns a copy of the same software used by the association.
1171 The data is part of the official records of the association.

1172 (f) An outgoing board or committee member must relinquish
1173 all official records and property of the association in his or
1174 her possession or under his or her control to the incoming board
1175 within 5 days after the election. The division shall impose a

1176 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~
1177 ~~718.501(1)(d)6.~~ against an outgoing board or committee member
1178 who willfully and knowingly fails to relinquish such records and
1179 property.

1180 (g)1. By January 1, 2019, an association managing a
1181 condominium with 150 or more units which does not contain
1182 timeshare units shall post digital copies of the documents
1183 specified in subparagraph 2. on its website or make such
1184 documents available through an application that can be
1185 downloaded on a mobile device.

1186 a. The association's website or application must be:

1187 (I) An independent website, application, or web portal
1188 wholly owned and operated by the association; or

1189 (II) A website, application, or web portal operated by a
1190 third-party provider with whom the association owns, leases,
1191 rents, or otherwise obtains the right to operate a web page,
1192 subpage, web portal, ~~or~~ collection of subpages or web portals, ,
1193 or application which is dedicated to the association's
1194 activities and on which required notices, records, and documents
1195 may be posted or made available by the association.

1196 b. The association's website or application must be
1197 accessible through the Internet and must contain a subpage, web
1198 portal, or other protected electronic location that is
1199 inaccessible to the general public and accessible only to unit
1200 owners and employees of the association.

1201 c. Upon a unit owner's written request, the association
1202 must provide the unit owner with a username and password and
1203 access to the protected sections of the association's website or
1204 application that contain any notices, records, or documents that
1205 must be electronically provided.

1206 2. A current copy of the following documents must be
1207 posted in digital format on the association's website or
1208 application:

1209 a. The recorded declaration of condominium of each
1210 condominium operated by the association and each amendment to
1211 each declaration.

1212 b. The recorded bylaws of the association and each
1213 amendment to the bylaws.

1214 c. The articles of incorporation of the association, or
1215 other documents creating the association, and each amendment to
1216 the articles of incorporation or other documents ~~thereto~~. The
1217 copy posted pursuant to this sub-subparagraph must be a copy of
1218 the articles of incorporation filed with the Department of
1219 State.

1220 d. The rules of the association.

1221 e. A list of all executory contracts or documents to which
1222 the association is a party or under which the association or the
1223 unit owners have an obligation or responsibility and, after
1224 bidding for the related materials, equipment, or services has
1225 closed, a list of bids received by the association within the

1226 past year. Summaries of bids for materials, equipment, or
1227 services which exceed \$500 must be maintained on the website or
1228 application for 1 year. In lieu of summaries, complete copies of
1229 the bids may be posted.

1230 f. The annual budget required by s. 718.112(2)(f) and any
1231 proposed budget to be considered at the annual meeting.

1232 g. The financial report required by subsection (13) and
1233 any monthly income or expense statement to be considered at a
1234 meeting.

1235 h. The certification of each director required by s.
1236 718.112(2)(d)4.b.

1237 i. All contracts or transactions between the association
1238 and any director, officer, corporation, firm, or association
1239 that is not an affiliated condominium association or any other
1240 entity in which an association director is also a director or
1241 officer and financially interested.

1242 j. Any contract or document regarding a conflict of
1243 interest or possible conflict of interest as provided in ss.
1244 468.436(2)(b)6. and 718.3027(3).

1245 k. The notice of any unit owner meeting and the agenda for
1246 the meeting, as required by s. 718.112(2)(d)3., no later than 14
1247 days before the meeting. The notice must be posted in plain view
1248 on the front page of the website or application, or on a
1249 separate subpage of the website or application labeled "Notices"
1250 which is conspicuously visible and linked from the front page.

1251 The association must also post on its website or application any
1252 document to be considered and voted on by the owners during the
1253 meeting or any document listed on the agenda at least 7 days
1254 before the meeting at which the document or the information
1255 within the document will be considered.

1256 1. Notice of any board meeting, the agenda, and any other
1257 document required for the meeting as required by s.
1258 718.112(2)(c), which must be posted no later than the date
1259 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

1260 3. The association shall ensure that the information and
1261 records described in paragraph (c), which are not allowed to be
1262 accessible to unit owners, are not posted on the association's
1263 website or application. If protected information or information
1264 restricted from being accessible to unit owners is included in
1265 documents that are required to be posted on the association's
1266 website or application, the association shall ensure the
1267 information is redacted before posting the documents ~~online~~.
1268 Notwithstanding the foregoing, the association or its agent is
1269 not liable for disclosing information that is protected or
1270 restricted under ~~pursuant to~~ this paragraph unless such
1271 disclosure was made with a knowing or intentional disregard of
1272 the protected or restricted nature of such information.

1273 4. The failure of the association to post information
1274 required under subparagraph 2. is not in and of itself
1275 sufficient to invalidate any action or decision of the

1276 association's board or its committees.

1277 Section 19. Paragraphs (d), (i), (j), (k), and (p) of
1278 subsection (2) of section 718.112, Florida Statutes, are
1279 amended, and paragraph (c) is added to subsection (1) of that
1280 section, to read:

1281 718.112 Bylaws.—

1282 (1) GENERALLY.—

1283 (c) The association may extinguish a discriminatory
1284 restriction as provided under s. 712.065.

1285 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1286 following and, if they do not do so, shall be deemed to include
1287 the following:

1288 (d) Unit owner meetings.—

1289 1. An annual meeting of the unit owners must be held at
1290 the location provided in the association bylaws and, if the
1291 bylaws are silent as to the location, the meeting must be held
1292 within 45 miles of the condominium property. However, such
1293 distance requirement does not apply to an association governing
1294 a timeshare condominium.

1295 2. Unless the bylaws provide otherwise, a vacancy on the
1296 board caused by the expiration of a director's term must be
1297 filled by electing a new board member, and the election must be
1298 by secret ballot. An election is not required if the number of
1299 vacancies equals or exceeds the number of candidates. For
1300 purposes of this paragraph, the term "candidate" means an

1301 eligible person who has timely submitted the written notice, as
1302 described in sub-subparagraph 4.a., of his or her intention to
1303 become a candidate. Except in a timeshare or nonresidential
1304 condominium, or if the staggered term of a board member does not
1305 expire until a later annual meeting, or if all members' terms
1306 would otherwise expire but there are no candidates, the terms of
1307 all board members expire at the annual meeting, and such members
1308 may stand for reelection unless prohibited by the bylaws. Board
1309 members may serve terms longer than 1 year if permitted by the
1310 bylaws or articles of incorporation. A board member may not
1311 serve more than 8 consecutive years unless approved by an
1312 affirmative vote of unit owners representing two-thirds of all
1313 votes cast in the election or unless there are not enough
1314 eligible candidates to fill the vacancies on the board at the
1315 time of the vacancy. Only board service that occurs on or after
1316 July 1, 2018, may be used when calculating a board member's term
1317 limit. If the number of board members whose terms expire at the
1318 annual meeting equals or exceeds the number of candidates, the
1319 candidates become members of the board effective upon the
1320 adjournment of the annual meeting. Unless the bylaws provide
1321 otherwise, any remaining vacancies shall be filled by the
1322 affirmative vote of the majority of the directors making up the
1323 newly constituted board even if the directors constitute less
1324 than a quorum or there is only one director. In a residential
1325 condominium association of more than 10 units or in a

1326 residential condominium association that does not include
1327 timeshare units or timeshare interests, co-owners of a unit may
1328 not serve as members of the board of directors at the same time
1329 unless they own more than one unit or unless there are not
1330 enough eligible candidates to fill the vacancies on the board at
1331 the time of the vacancy. A unit owner in a residential
1332 condominium desiring to be a candidate for board membership must
1333 comply with sub-subparagraph 4.a. and must be eligible to be a
1334 candidate to serve on the board of directors at the time of the
1335 deadline for submitting a notice of intent to run in order to
1336 have his or her name listed as a proper candidate on the ballot
1337 or to serve on the board. A person who has been suspended or
1338 removed by the division under this chapter, or who is delinquent
1339 in the payment of any monetary obligation due to the
1340 association, is not eligible to be a candidate for board
1341 membership and may not be listed on the ballot. A person who has
1342 been convicted of any felony in this state or in a United States
1343 District or Territorial Court, or who has been convicted of any
1344 offense in another jurisdiction which would be considered a
1345 felony if committed in this state, is not eligible for board
1346 membership unless such felon's civil rights have been restored
1347 for at least 5 years as of the date such person seeks election
1348 to the board. The validity of an action by the board is not
1349 affected if it is later determined that a board member is
1350 ineligible for board membership due to having been convicted of

1351 a felony. This subparagraph does not limit the term of a member
1352 of the board of a nonresidential or timeshare condominium.

1353 3. The bylaws must provide the method of calling meetings
1354 of unit owners, including annual meetings. Written notice of an
1355 annual meeting must include an agenda; ~~it must~~ be mailed, hand
1356 delivered, or electronically transmitted to each unit owner at
1357 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
1358 a conspicuous place on the condominium property at least 14
1359 continuous days before the annual meeting. Written notice of a
1360 meeting other than an annual meeting must include an agenda; be
1361 mailed, hand delivered, or electronically transmitted to each
1362 unit owner; and be posted in a conspicuous place on the
1363 condominium property in accordance with the minimum period of
1364 time for posting a notice as set forth in the bylaws, and if the
1365 bylaws do not provide such notice requirements, then at least 14
1366 continuous days before the meeting. Upon notice to the unit
1367 owners, the board shall, by duly adopted rule, designate a
1368 specific location on the condominium property where all notices
1369 of unit owner meetings must be posted. This requirement does not
1370 apply if there is no condominium property for posting notices.
1371 In lieu of, or in addition to, the physical posting of meeting
1372 notices, the association may, by reasonable rule, adopt a
1373 procedure for conspicuously posting and repeatedly broadcasting
1374 the notice and the agenda on a closed-circuit cable television
1375 system serving the condominium association. However, if

1376 broadcast notice is used in lieu of a notice posted physically
1377 on the condominium property, the notice and agenda must be
1378 broadcast at least four times every broadcast hour of each day
1379 that a posted notice is otherwise required under this section.
1380 If broadcast notice is provided, the notice and agenda must be
1381 broadcast in a manner and for a sufficient continuous length of
1382 time so as to allow an average reader to observe the notice and
1383 read and comprehend the entire content of the notice and the
1384 agenda. In addition to any of the authorized means of providing
1385 notice of a meeting of the board, the association may, by rule,
1386 adopt a procedure for conspicuously posting the meeting notice
1387 and the agenda on a website serving the condominium association
1388 for at least the minimum period of time for which a notice of a
1389 meeting is also required to be physically posted on the
1390 condominium property. Any rule adopted shall, in addition to
1391 other matters, include a requirement that the association send
1392 an electronic notice in the same manner as a notice for a
1393 meeting of the members, which must include a hyperlink to the
1394 website where the notice is posted, to unit owners whose e-mail
1395 addresses are included in the association's official records.
1396 Unless a unit owner waives in writing the right to receive
1397 notice of the annual meeting, such notice must be hand
1398 delivered, mailed, or electronically transmitted to each unit
1399 owner. Notice for meetings and notice for all other purposes
1400 must be mailed to each unit owner at the address last furnished

1401 to the association by the unit owner, or hand delivered to each
1402 unit owner. However, if a unit is owned by more than one person,
1403 the association must provide notice to the address that the
1404 developer identifies for that purpose and thereafter as one or
1405 more of the owners of the unit advise the association in
1406 writing, or if no address is given or the owners of the unit do
1407 not agree, to the address provided on the deed of record. An
1408 officer of the association, or the manager or other person
1409 providing notice of the association meeting, must provide an
1410 affidavit or United States Postal Service certificate of
1411 mailing, to be included in the official records of the
1412 association affirming that the notice was mailed or hand
1413 delivered in accordance with this provision.

1414 4. The members of the board of a residential condominium
1415 shall be elected by written ballot or voting machine. Proxies
1416 may not be used in electing the board in general elections or
1417 elections to fill vacancies caused by recall, resignation, or
1418 otherwise, unless otherwise provided in this chapter. This
1419 subparagraph does not apply to an association governing a
1420 timeshare condominium.

1421 a. At least 60 days before a scheduled election, the
1422 association shall mail, deliver, or electronically transmit, by
1423 separate association mailing or included in another association
1424 mailing, delivery, or transmission, including regularly
1425 published newsletters, to each unit owner entitled to a vote, a

1426 first notice of the date of the election. A unit owner or other
1427 eligible person desiring to be a candidate for the board must
1428 give written notice of his or her intent to be a candidate to
1429 the association at least 40 days before a scheduled election.
1430 Together with the written notice and agenda as set forth in
1431 subparagraph 3., the association shall mail, deliver, or
1432 electronically transmit a second notice of the election to all
1433 unit owners entitled to vote, together with a ballot that lists
1434 all candidates not less than 14 days or more than 34 days before
1435 the date of the election. Upon request of a candidate, an
1436 information sheet, no larger than 8 1/2 inches by 11 inches,
1437 which must be furnished by the candidate at least 35 days before
1438 the election, must be included with the mailing, delivery, or
1439 transmission of the ballot, with the costs of mailing, delivery,
1440 or electronic transmission and copying to be borne by the
1441 association. The association is not liable for the contents of
1442 the information sheets prepared by the candidates. In order to
1443 reduce costs, the association may print or duplicate the
1444 information sheets on both sides of the paper. The division
1445 shall by rule establish voting procedures consistent with this
1446 sub-subparagraph, including rules establishing procedures for
1447 giving notice by electronic transmission and rules providing for
1448 the secrecy of ballots. Elections shall be decided by a
1449 plurality of ballots cast. There is no quorum requirement;
1450 however, at least 20 percent of the eligible voters must cast a

1451 ballot in order to have a valid election. A unit owner may not
1452 authorize any other person to vote his or her ballot, and any
1453 ballots improperly cast are invalid. A unit owner who violates
1454 this provision may be fined by the association in accordance
1455 with s. 718.303. A unit owner who needs assistance in casting
1456 the ballot for the reasons stated in s. 101.051 may obtain such
1457 assistance. The regular election must occur on the date of the
1458 annual meeting. Notwithstanding this sub-subparagraph, an
1459 election is not required unless more candidates file notices of
1460 intent to run or are nominated than board vacancies exist.

1461 b. Within 90 days after being elected or appointed to the
1462 board of an association of a residential condominium, each newly
1463 elected or appointed director shall certify in writing to the
1464 secretary of the association that he or she has read the
1465 association's declaration of condominium, articles of
1466 incorporation, bylaws, and current written policies; that he or
1467 she will work to uphold such documents and policies to the best
1468 of his or her ability; and that he or she will faithfully
1469 discharge his or her fiduciary responsibility to the
1470 association's members. In lieu of this written certification,
1471 within 90 days after being elected or appointed to the board,
1472 the newly elected or appointed director may submit a certificate
1473 of having satisfactorily completed the educational curriculum
1474 administered by a division-approved condominium education
1475 provider within 1 year before or 90 days after the date of

1476 election or appointment. The written certification or
1477 educational certificate is valid and does not have to be
1478 resubmitted as long as the director serves on the board without
1479 interruption. A director of an association of a residential
1480 condominium who fails to timely file the written certification
1481 or educational certificate is suspended from service on the
1482 board until he or she complies with this sub-subparagraph. The
1483 board may temporarily fill the vacancy during the period of
1484 suspension. The secretary shall cause the association to retain
1485 a director's written certification or educational certificate
1486 for inspection by the members for 5 years after a director's
1487 election or the duration of the director's uninterrupted tenure,
1488 whichever is longer. Failure to have such written certification
1489 or educational certificate on file does not affect the validity
1490 of any board action.

1491 c. Any challenge to the election process must be commenced
1492 within 60 days after the election results are announced.

1493 5. Any approval by unit owners called for by this chapter
1494 or the applicable declaration or bylaws, including, but not
1495 limited to, the approval requirement in s. 718.111(8), must be
1496 made at a duly noticed meeting of unit owners and is subject to
1497 all requirements of this chapter or the applicable condominium
1498 documents relating to unit owner decisionmaking, except that
1499 unit owners may take action by written agreement, without
1500 meetings, on matters for which action by written agreement

1501 without meetings is expressly allowed by the applicable bylaws
1502 or declaration or any law that provides for such action.

1503 6. Unit owners may waive notice of specific meetings if
1504 allowed by the applicable bylaws or declaration or any law.
1505 Notice of meetings of the board of administration, unit owner
1506 meetings, except unit owner meetings called to recall board
1507 members under paragraph (j), and committee meetings may be given
1508 by electronic transmission to unit owners who consent to receive
1509 notice by electronic transmission. A unit owner who consents to
1510 receiving notices by electronic transmission is solely
1511 responsible for removing or bypassing filters that block receipt
1512 of mass e-mails ~~emails~~ sent to members on behalf of the
1513 association in the course of giving electronic notices.

1514 7. Unit owners have the right to participate in meetings
1515 of unit owners with reference to all designated agenda items.
1516 However, the association may adopt reasonable rules governing
1517 the frequency, duration, and manner of unit owner participation.

1518 8. A unit owner may tape record or videotape a meeting of
1519 the unit owners subject to reasonable rules adopted by the
1520 division.

1521 9. Unless otherwise provided in the bylaws, any vacancy
1522 occurring on the board before the expiration of a term may be
1523 filled by the affirmative vote of the majority of the remaining
1524 directors, even if the remaining directors constitute less than
1525 a quorum, or by the sole remaining director. In the alternative,

1526 a board may hold an election to fill the vacancy, in which case
1527 the election procedures must conform to sub-subparagraph 4.a.
1528 unless the association governs 10 units or fewer and has opted
1529 out of the statutory election process, in which case the bylaws
1530 of the association control. Unless otherwise provided in the
1531 bylaws, a board member appointed or elected under this section
1532 shall fill the vacancy for the unexpired term of the seat being
1533 filled. Filling vacancies created by recall is governed by
1534 paragraph (j) and rules adopted by the division.

1535 10. This chapter does not limit the use of general or
1536 limited proxies, require the use of general or limited proxies,
1537 or require the use of a written ballot or voting machine for any
1538 agenda item or election at any meeting of a timeshare
1539 condominium association or nonresidential condominium
1540 association.

1541
1542 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1543 association of 10 or fewer units may, by affirmative vote of a
1544 majority of the total voting interests, provide for different
1545 voting and election procedures in its bylaws, which may be by a
1546 proxy specifically delineating the different voting and election
1547 procedures. The different voting and election procedures may
1548 provide for elections to be conducted by limited or general
1549 proxy.

1550 (i) Transfer fees.—An association may not ~~ne~~ charge a fee

1551 ~~shall be made by the association or any body thereof in~~
1552 connection with the sale, mortgage, lease, sublease, or other
1553 transfer of a unit unless the association is required to approve
1554 such transfer and a fee for such approval is provided for in the
1555 declaration, articles, or bylaws. Any such fee may be preset,
1556 but may not ~~in no event may such fee~~ exceed \$150 ~~\$100~~ per
1557 applicant other than spouses or parent and dependent child, who
1558 ~~husband/wife or parent/dependent child, which~~ are considered one
1559 applicant. However, if the lease or sublease is a renewal of a
1560 lease or sublease with the same lessee or sublessee, a charge
1561 may not ~~no charge shall~~ be made. Such fees shall be adjusted
1562 every 5 years in an amount equal to the total of the annual
1563 increases for that 5-year period in the Consumer Price Index for
1564 All Urban Consumers, U.S. City Average, All Items. The
1565 Department of Business and Professional Regulation shall
1566 periodically calculate the fees, rounded to the nearest dollar,
1567 and publish the amounts, as adjusted, on its website. The
1568 foregoing notwithstanding, an association may, if the authority
1569 to do so appears in the declaration, articles, or bylaws,
1570 require that a prospective lessee place a security deposit, in
1571 an amount not to exceed the equivalent of 1 month's rent, into
1572 an escrow account maintained by the association. The security
1573 deposit shall protect against damages to the common elements or
1574 association property. Payment of interest, claims against the
1575 deposit, refunds, and disputes under this paragraph shall be

1576 handled in the same fashion as provided in part II of chapter
1577 83.

1578 (j) Recall of board members.—Subject to s. 718.301, any
1579 member of the board of administration may be recalled and
1580 removed from office with or without cause by the vote or
1581 agreement in writing by a majority of all the voting interests.
1582 A special meeting of the unit owners to recall a member or
1583 members of the board of administration may be called by 10
1584 percent of the voting interests giving notice of the meeting as
1585 required for a meeting of unit owners, and the notice shall
1586 state the purpose of the meeting. Electronic transmission may
1587 not be used as a method of giving notice of a meeting called in
1588 whole or in part for this purpose.

1589 1. If the recall is approved by a majority of all voting
1590 interests by a vote at a meeting, the recall will be effective
1591 as provided in this paragraph. The board shall duly notice and
1592 hold a board meeting within 5 full business days after the
1593 adjournment of the unit owner meeting to recall one or more
1594 board members. Such member or members shall be recalled
1595 effective immediately upon conclusion of the board meeting,
1596 provided that the recall is facially valid. A recalled member
1597 must turn over to the board, within 10 full business days after
1598 the vote, any and all records and property of the association in
1599 their possession.

1600 2. If the proposed recall is by an agreement in writing by

1601 a majority of all voting interests, the agreement in writing or
1602 a copy thereof shall be served on the association by certified
1603 mail or by personal service in the manner authorized by chapter
1604 48 and the Florida Rules of Civil Procedure. The board of
1605 administration shall duly notice and hold a meeting of the board
1606 within 5 full business days after receipt of the agreement in
1607 writing. Such member or members shall be recalled effective
1608 immediately upon the conclusion of the board meeting, provided
1609 that the recall is facially valid. A recalled member must turn
1610 over to the board, within 10 full business days, any and all
1611 records and property of the association in their possession.

1612 3. If the board fails to duly notice and hold a board
1613 meeting within 5 full business days after service of an
1614 agreement in writing or within 5 full business days after the
1615 adjournment of the unit owner recall meeting, the recall is
1616 ~~shall be~~ deemed effective and the board members so recalled
1617 shall turn over to the board within 10 full business days after
1618 the vote any and all records and property of the association.

1619 4. If the board fails to duly notice and hold the required
1620 meeting or at the conclusion of the meeting determines that the
1621 recall is not facially valid, the unit owner representative may
1622 file a petition or court action under ~~pursuant to~~ s. 718.1255
1623 challenging the board's failure to act or challenging the
1624 board's determination on facial validity. The petition or action
1625 must be filed within 60 days after the expiration of the

1626 applicable 5-full-business-day period. The review of a petition
1627 or action under this subparagraph is limited to the sufficiency
1628 of service on the board and the facial validity of the written
1629 agreement or ballots filed.

1630 5. If a vacancy occurs on the board as a result of a
1631 recall or removal and less than a majority of the board members
1632 are removed, the vacancy may be filled by the affirmative vote
1633 of a majority of the remaining directors, notwithstanding any
1634 provision to the contrary contained in this subsection. If
1635 vacancies occur on the board as a result of a recall and a
1636 majority or more of the board members are removed, the vacancies
1637 shall be filled in accordance with procedural rules to be
1638 adopted by the division, which rules need not be consistent with
1639 this subsection. The rules must provide procedures governing the
1640 conduct of the recall election as well as the operation of the
1641 association during the period after a recall but before the
1642 recall election.

1643 6. A board member who has been recalled may file a
1644 petition or court action under ~~pursuant to~~ s. 718.1255
1645 challenging the validity of the recall. The petition or action
1646 must be filed within 60 days after the recall. The association
1647 and the unit owner representative shall be named as the
1648 respondents. The petition or action may challenge the facial
1649 validity of the written agreement or ballots filed or the
1650 substantial compliance with the procedural requirements for the

1651 recall. If the arbitrator or court determines the recall was
1652 invalid, the petitioning board member shall immediately be
1653 reinstated and the recall is null and void. A board member who
1654 is successful in challenging a recall is entitled to recover
1655 reasonable attorney fees and costs from the respondents. The
1656 arbitrator or court may award reasonable attorney fees and costs
1657 to the respondents if they prevail, if the arbitrator or court
1658 makes a finding that the petitioner's claim is frivolous.

1659 7. The division or a court of competent jurisdiction may
1660 not accept for filing a recall petition or court action, whether
1661 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,
1662 subparagraph 4., or subparagraph 6. when there are 60 or fewer
1663 days until the scheduled reelection of the board member sought
1664 to be recalled or when 60 or fewer days have elapsed since the
1665 election of the board member sought to be recalled.

1666 (k) Alternative dispute resolution Arbitration.—There must
1667 ~~shall~~ be a provision for mandatory alternative dispute
1668 resolution nonbinding arbitration as provided for in s. 718.1255
1669 for any residential condominium.

1670 ~~(p) Service providers; conflicts of interest. An~~
1671 ~~association, which is not a timeshare condominium association,~~
1672 ~~may not employ or contract with any service provider that is~~
1673 ~~owned or operated by a board member or with any person who has a~~
1674 ~~financial relationship with a board member or officer, or a~~
1675 ~~relative within the third degree of consanguinity by blood or~~

1676 ~~marriage of a board member or officer. This paragraph does not~~
1677 ~~apply to a service provider in which a board member or officer,~~
1678 ~~or a relative within the third degree of consanguinity by blood~~
1679 ~~or marriage of a board member or officer, owns less than 1~~
1680 ~~percent of the equity shares.~~

1681 Section 20. Subsection (8) of section 718.113, Florida
1682 Statutes, is amended to read:

1683 718.113 Maintenance; limitation upon improvement; display
1684 of flag; hurricane shutters and protection; display of religious
1685 decorations.—

1686 (8) The Legislature finds that the use of electric and
1687 natural gas fuel vehicles conserves and protects the state's
1688 environmental resources, provides significant economic savings
1689 to drivers, and serves an important public interest. The
1690 participation of condominium associations is essential to the
1691 state's efforts to conserve and protect the state's
1692 environmental resources and provide economic savings to drivers.
1693 For purposes of this subsection, the term "natural gas fuel" has
1694 the same meaning as in s. 206.9951, and the term "natural gas
1695 fuel vehicle" means any motor vehicle, as defined in s. 320.01,
1696 that is powered by natural gas fuel. Therefore, the installation
1697 of an electric vehicle charging station or natural gas fuel
1698 station shall be governed as follows:

1699 (a) A declaration of condominium or restrictive covenant
1700 may not prohibit or be enforced so as to prohibit any unit owner

1701 from installing an electric vehicle charging station or natural
1702 gas fuel station within the boundaries of the unit owner's
1703 limited common element or exclusively designated parking area.
1704 The board of administration of a condominium association may not
1705 prohibit a unit owner from installing an electric vehicle
1706 charging station for an electric vehicle, as defined in s.
1707 320.01, or a natural gas fuel station for a natural gas fuel
1708 vehicle within the boundaries of his or her limited common
1709 element or exclusively designated parking area. The installation
1710 of such charging or fuel stations are subject to the provisions
1711 of this subsection.

1712 (b) The installation may not cause irreparable damage to
1713 the condominium property.

1714 (c) The electricity for the electric vehicle charging
1715 station or natural gas fuel station must be separately metered
1716 or metered by an embedded meter and payable by the unit owner
1717 installing such charging or fuel station or by his or her
1718 successor.

1719 (d) The cost for supply and storage of the natural gas
1720 fuel must be paid by the unit owner installing the natural gas
1721 fuel station or by his or her successor.

1722 (e) ~~(d)~~ The unit owner who is installing an electric
1723 vehicle charging station or natural gas fuel station is
1724 responsible for the costs of installation, operation,
1725 maintenance, and repair, including, but not limited to, hazard

1726 and liability insurance. The association may enforce payment of
 1727 such costs under ~~pursuant to~~ s. 718.116.

1728 (f)-(e) If the unit owner or his or her successor decides
 1729 there is no longer a need for the electronic vehicle charging
 1730 station or natural gas fuel station, such person is responsible
 1731 for the cost of removal of such ~~the electronic vehicle~~ charging
 1732 or fuel station. The association may enforce payment of such
 1733 costs under ~~pursuant to~~ s. 718.116.

1734 (g) The unit owner installing, maintaining, or removing
 1735 the electric vehicle charging station or natural gas fuel
 1736 station is responsible for complying with all federal, state, or
 1737 local laws and regulations applicable to such installation,
 1738 maintenance, or removal.

1739 (h)-(f) The association may require the unit owner to:

1740 1. Comply with bona fide safety requirements, consistent
 1741 with applicable building codes or recognized safety standards,
 1742 for the protection of persons and property.

1743 2. Comply with reasonable architectural standards adopted
 1744 by the association that govern the dimensions, placement, or
 1745 external appearance of the electric vehicle charging station or
 1746 natural gas fuel station, provided that such standards may not
 1747 prohibit the installation of such charging or fuel station or
 1748 substantially increase the cost thereof.

1749 3. Engage the services of a licensed and registered firm
 1750 ~~electrical contractor or engineer~~ familiar with the installation

1751 or removal and core requirements of an electric vehicle charging
1752 station or natural gas fuel station.

1753 4. Provide a certificate of insurance naming the
1754 association as an additional insured on the owner's insurance
1755 policy for any claim related to the installation, maintenance,
1756 or use of the electric vehicle charging station or natural gas
1757 fuel station within 14 days after receiving the association's
1758 approval to install such charging or fuel station or notice to
1759 provide such a certificate.

1760 5. Reimburse the association for the actual cost of any
1761 increased insurance premium amount attributable to the electric
1762 vehicle charging station or natural gas fuel station within 14
1763 days after receiving the association's insurance premium
1764 invoice.

1765 (i)~~(g)~~ The association provides an implied easement across
1766 the common elements of the condominium property to the unit
1767 owner for purposes of ~~the installation of the~~ electric vehicle
1768 charging station or natural gas fuel station installation, and
1769 the furnishing of electrical power or natural gas fuel supply,
1770 including any necessary equipment, to such charging or fuel
1771 station, subject to the requirements of this subsection.

1772 Section 21. Subsection (16) of section 718.117, Florida
1773 Statutes, is amended to read:

1774 718.117 Termination of condominium.—

1775 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest

1776 a plan of termination by initiating a petition in accordance
1777 with ~~for mandatory nonbinding arbitration pursuant to s.~~
1778 718.1255 within 90 days after the date the plan is recorded. A
1779 unit owner or lienor may only contest the fairness and
1780 reasonableness of the apportionment of the proceeds from the
1781 sale among the unit owners, that the liens of the first
1782 mortgages of unit owners other than the bulk owner have not or
1783 will not be satisfied to the extent required by subsection (3),
1784 or that the required vote to approve the plan was not obtained.
1785 A unit owner or lienor who does not contest the plan within the
1786 90-day period is barred from asserting or prosecuting a claim
1787 against the association, the termination trustee, any unit
1788 owner, or any successor in interest to the condominium property.
1789 In an action contesting a plan of termination, the person
1790 contesting the plan has the burden of pleading and proving that
1791 the apportionment of the proceeds from the sale among the unit
1792 owners was not fair and reasonable or that the required vote was
1793 not obtained. The apportionment of sale proceeds is presumed
1794 fair and reasonable if it was determined pursuant to the methods
1795 prescribed in subsection (12). If the petition is filed with the
1796 division for arbitration, the arbitrator shall determine the
1797 rights and interests of the parties in the apportionment of the
1798 sale proceeds. If the arbitrator determines that the
1799 apportionment of sales proceeds is not fair and reasonable, the
1800 arbitrator may void the plan or may modify the plan to apportion

1801 the proceeds in a fair and reasonable manner pursuant to this
1802 section based upon the proceedings and order the modified plan
1803 of termination to be implemented. If the arbitrator determines
1804 that the plan was not properly approved, or that the procedures
1805 to adopt the plan were not properly followed, the arbitrator may
1806 void the plan or grant other relief it deems just and proper.
1807 The arbitrator shall automatically void the plan upon a finding
1808 that any of the disclosures required in subparagraph (3)(c)5.
1809 are omitted, misleading, incomplete, or inaccurate. Any
1810 challenge to a plan, other than a challenge that the required
1811 vote was not obtained, does not affect title to the condominium
1812 property or the vesting of the condominium property in the
1813 trustee, but shall only be a claim against the proceeds of the
1814 plan. In any such action, the prevailing party shall recover
1815 reasonable attorney fees and costs.

1816 Section 22. Subsection (2) of section 718.121, Florida
1817 Statutes, is amended to read:

1818 718.121 Liens.—

1819 (2) Labor performed on or materials furnished to a unit
1820 may ~~shall~~ not be the basis for the filing of a lien under
1821 ~~pursuant to~~ part I of chapter 713, the Construction Lien Law,
1822 against the unit or condominium parcel of any unit owner not
1823 expressly consenting to or requesting the labor or materials.
1824 Labor performed on or materials furnished for the installation
1825 of a natural gas fuel station or an electronic vehicle charging

1826 station under ~~pursuant to~~ s. 718.113(8) may not be the basis for
 1827 filing a lien under part I of chapter 713 against the
 1828 association, but such a lien may be filed against the unit
 1829 owner. Labor performed on or materials furnished to the common
 1830 elements are not the basis for a lien on the common elements,
 1831 but if authorized by the association, the labor or materials are
 1832 deemed to be performed or furnished with the express consent of
 1833 each unit owner and may be the basis for the filing of a lien
 1834 against all condominium parcels in the proportions for which the
 1835 owners are liable for common expenses.

1836 Section 23. Subsections (5) and (6) of section 718.1255,
 1837 Florida Statutes, are renumbered as subsections (6) and (7),
 1838 respectively, subsection (2) and paragraph (a) of subsection (4)
 1839 of that section are amended, and a new subsection (5) is added
 1840 to that section, to read:

1841 718.1255 Alternative dispute resolution; ~~voluntary~~
 1842 mediation; ~~mandatory~~ nonbinding arbitration; legislative
 1843 findings.—

1844 (2) ~~VOLUNTARY MEDIATION.~~—Voluntary Mediation through
 1845 Citizen Dispute Settlement Centers as provided for in s. 44.201
 1846 is encouraged.

1847 (4) ~~MANDATORY NONBINDING ARBITRATION AND MEDIATION OF~~
 1848 DISPUTES.—The Division of Florida Condominiums, Timeshares, and
 1849 Mobile Homes of the Department of Business and Professional
 1850 Regulation may employ full-time attorneys to act as arbitrators

1851 to conduct the arbitration hearings provided by this chapter.
1852 The division may also certify attorneys who are not employed by
1853 the division to act as arbitrators to conduct the arbitration
1854 hearings provided by this chapter. A ~~Ne~~ person may not be
1855 employed by the department as a full-time arbitrator unless he
1856 or she is a member in good standing of The Florida Bar. A person
1857 may only be certified by the division to act as an arbitrator if
1858 he or she has been a member in good standing of The Florida Bar
1859 for at least 5 years and has mediated or arbitrated at least 10
1860 disputes involving condominiums in this state during the 3 years
1861 immediately preceding the date of application, mediated or
1862 arbitrated at least 30 disputes in any subject area in this
1863 state during the 3 years immediately preceding the date of
1864 application, or attained board certification in real estate law
1865 or condominium and planned development law from The Florida Bar.
1866 Arbitrator certification is valid for 1 year. An arbitrator who
1867 does not maintain the minimum qualifications for initial
1868 certification may not have his or her certification renewed. The
1869 department may not enter into a legal services contract for an
1870 arbitration hearing under this chapter with an attorney who is
1871 not a certified arbitrator unless a certified arbitrator is not
1872 available within 50 miles of the dispute. The department shall
1873 adopt rules of procedure to govern such arbitration hearings
1874 including mediation incident thereto. The decision of an
1875 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not

1876 ~~be~~ deemed final agency action. Nothing in this provision shall
1877 be construed to foreclose parties from proceeding in a trial de
1878 novo unless the parties have agreed that the arbitration is
1879 binding. If judicial proceedings are initiated, the final
1880 decision of the arbitrator is ~~shall be~~ admissible in evidence in
1881 the trial de novo.

1882 (a) Before ~~Prior to~~ the institution of court litigation, a
1883 party to a dispute, other than an election or recall dispute,
1884 shall either petition the division for nonbinding arbitration or
1885 initiate presuit mediation as provided in subsection (5).
1886 Arbitration is binding on the parties if all parties in
1887 arbitration agree to be bound in a writing filed in arbitration.
1888 The petition must be accompanied by a filing fee in the amount
1889 of \$50. Filing fees collected under this section must be used to
1890 defray the expenses of the alternative dispute resolution
1891 program.

1892 (5) PRESUIT MEDIATION.—In lieu of the initiation of
1893 nonbinding arbitration as set forth in subsections (1)-(4), a
1894 party may submit a dispute to presuit mediation in accordance
1895 with s. 720.311. Election and recall disputes are not eligible
1896 for mediation and such disputes must be arbitrated by the
1897 division or filed in a court of competent jurisdiction.

1898 Section 24. Subsection (3) of section 718.202, Florida
1899 Statutes, is amended to read:

1900 718.202 Sales or reservation deposits prior to closing.—

1901 (3) If the contract for sale of the condominium unit so
 1902 provides, the developer may withdraw escrow funds in excess of
 1903 10 percent of the purchase price from the special account
 1904 required by subsection (2) when the construction of improvements
 1905 has begun. He or she may use the funds for the actual costs
 1906 incurred by the developer in the ~~actual~~ construction and
 1907 development of the condominium property in which the unit to be
 1908 sold is located. Actual costs include, but are not limited to,
 1909 expenditures for demolition, site clearing, permit fees, impact
 1910 fees, and utility reservation fees, as well as architectural,
 1911 engineering, and surveying fees that directly relate to
 1912 construction and development. However, no part of these funds
 1913 may be used for salaries, commissions, or expenses of
 1914 salespersons; ~~or~~ for advertising, marketing, or promotional
 1915 purposes; or for loan fees, costs or interest, attorney fees,
 1916 accounting fees, or insurance. A contract which permits use of
 1917 the advance payments for these purposes shall include the
 1918 following legend conspicuously printed or stamped in boldfaced
 1919 type on the first page of the contract and immediately above the
 1920 place for the signature of the buyer: ANY PAYMENT IN EXCESS OF
 1921 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO
 1922 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION
 1923 PURPOSES BY THE DEVELOPER.

1924 Section 25. Subsection (1) and paragraph (b) of subsection
 1925 (3) of section 718.303, Florida Statutes, are amended to read:

1926 718.303 Obligations of owners and occupants; remedies.—
 1927 (1) Each unit owner, ~~each~~ tenant and other invitee, and
 1928 ~~each~~ association is governed by, and must comply with the
 1929 provisions of, this chapter, the declaration, the documents
 1930 creating the association, and the association bylaws which are
 1931 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
 1932 Actions at law or in equity ~~for damages or for injunctive~~
 1933 ~~relief~~, or both, for failure to comply with these provisions may
 1934 be brought by the association or by a unit owner against:
 1935 (a) The association.
 1936 (b) A unit owner.
 1937 (c) Directors designated by the developer, for actions
 1938 taken by them before control of the association is assumed by
 1939 unit owners other than the developer.
 1940 (d) Any director who willfully and knowingly fails to
 1941 comply with these provisions.
 1942 (e) Any tenant leasing a unit, and any other invitee
 1943 occupying a unit.
 1944
 1945 The prevailing party in any such action or in any action in
 1946 which the purchaser claims a right of voidability based upon
 1947 contractual provisions as required in s. 718.503(1)(a) is
 1948 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
 1949 owner prevailing in an action between the association and the
 1950 unit owner under this subsection ~~section~~, in addition to

1951 recovering his or her reasonable attorney ~~attorney's~~ fees, may
 1952 recover additional amounts as determined by the court to be
 1953 necessary to reimburse the unit owner for his or her share of
 1954 assessments levied by the association to fund its expenses of
 1955 the litigation. This relief does not exclude other remedies
 1956 provided by law. Actions arising under this subsection are not
 1957 considered ~~may not be deemed to be~~ actions for specific
 1958 performance.

1959 (3) The association may levy reasonable fines for the
 1960 failure of the owner of the unit or its occupant, licensee, or
 1961 invitee to comply with any provision of the declaration, the
 1962 association bylaws, or reasonable rules of the association. A
 1963 fine may not become a lien against a unit. A fine may be levied
 1964 by the board on the basis of each day of a continuing violation,
 1965 with a single notice and opportunity for hearing before a
 1966 committee as provided in paragraph (b). However, the fine may
 1967 not exceed \$100 per violation, or \$1,000 in the aggregate.

1968 (b) A fine or suspension levied by the board of
 1969 administration may not be imposed unless the board first
 1970 provides at least 14 days' written notice to the unit owner and,
 1971 if applicable, any tenant ~~occupant~~, licensee, or invitee of the
 1972 unit owner sought to be fined or suspended, and an opportunity
 1973 for a hearing before a committee of at least three members
 1974 appointed by the board who are not officers, directors, or
 1975 employees of the association, or the spouse, parent, child,

1976 brother, or sister of an officer, director, or employee. The
 1977 role of the committee is limited to determining whether to
 1978 confirm or reject the fine or suspension levied by the board. If
 1979 the committee does not approve the proposed fine or suspension
 1980 by majority vote, the fine or suspension may not be imposed. If
 1981 the proposed fine or suspension is approved by the committee,
 1982 the fine payment is due 5 days after notice of the approved fine
 1983 is provided to the unit owner and, if applicable, to any tenant,
 1984 licensee, or invitee of the unit owner ~~the date of the committee~~
 1985 ~~meeting at which the fine is approved.~~ The association must
 1986 provide written notice of such fine or suspension by mail or
 1987 hand delivery to the unit owner and, if applicable, to any
 1988 tenant, licensee, or invitee of the unit owner.

1989 Section 26. Section 718.501, Florida Statutes, is amended
 1990 to read:

1991 718.501 Authority, responsibility, and duties of Division
 1992 of Florida Condominiums, Timeshares, and Mobile Homes.—

1993 (1) As used in this section, the term "financial issue"
 1994 means an issue related to operating budgets; reserve schedules;
 1995 accounting records under s. 718.111(12)(a)11.; notices of
 1996 meetings; minutes of meetings discussing budget or financial
 1997 issues; assessments for common expenses, fees, or fines; the
 1998 commingling of funds; and any other record necessary to
 1999 determine the revenues and expenses of the association. The
 2000 division may adopt rules to further define what a financial

2001 issue is under this section and to adopt the checklist provided
2002 for in s. 718.111(12)(c)1.

2003 (2)-(1) The division may enforce and ensure compliance with
2004 ~~the provisions of~~ this chapter and rules relating to the
2005 development, construction, sale, lease, ownership, operation,
2006 and management of residential condominium units. In performing
2007 its duties, the division has complete jurisdiction to
2008 investigate complaints and enforce compliance with respect to
2009 associations that are still under developer control or the
2010 control of a bulk assignee or bulk buyer pursuant to part VII of
2011 this chapter and complaints against developers, bulk assignees,
2012 or bulk buyers involving improper turnover or failure to
2013 turnover, pursuant to s. 718.301. However, after turnover has
2014 occurred, the division has jurisdiction to investigate
2015 complaints related only to financial issues, elections, and the
2016 maintenance of and unit owner access to association records
2017 under ~~pursuant to~~ s. 718.111(12).

2018 (a)1. The division may make necessary public or private
2019 investigations within or outside this state to determine whether
2020 any person has violated this chapter or any rule or order
2021 hereunder, to aid in the enforcement of this chapter, or to aid
2022 in the adoption of rules or forms.

2023 2. The division may submit any official written report,
2024 worksheet, or other related paper, or a duly certified copy
2025 thereof, compiled, prepared, drafted, or otherwise made by and

2026 | duly authenticated by a financial examiner or analyst to be
2027 | admitted as competent evidence in any hearing in which the
2028 | financial examiner or analyst is available for cross-examination
2029 | and attests under oath that such documents were prepared as a
2030 | result of an examination or inspection conducted pursuant to
2031 | this chapter.

2032 | (b) The division may require or permit any person to file
2033 | a statement in writing, under oath or otherwise, as the division
2034 | determines, as to the facts and circumstances concerning a
2035 | matter to be investigated.

2036 | (c) For the purpose of any investigation under this
2037 | chapter, the division director or any officer or employee
2038 | designated by the division director may administer oaths or
2039 | affirmations, subpoena witnesses and compel their attendance,
2040 | take evidence, and require the production of any matter which is
2041 | relevant to the investigation, including the existence,
2042 | description, nature, custody, condition, and location of any
2043 | books, documents, or other tangible things and the identity and
2044 | location of persons having knowledge of relevant facts or any
2045 | other matter reasonably calculated to lead to the discovery of
2046 | material evidence. Upon the failure by a person to obey a
2047 | subpoena or to answer questions propounded by the investigating
2048 | officer and upon reasonable notice to all affected persons, the
2049 | division may apply to the circuit court for an order compelling
2050 | compliance.

2051 (d) Notwithstanding any remedies available to unit owners
2052 and associations, if the division has reasonable cause to
2053 believe that a violation of any provision of this chapter or
2054 related rule has occurred, the division may institute
2055 enforcement proceedings in its own name against any developer,
2056 bulk assignee, bulk buyer, association, officer, or member of
2057 the board of administration, or its assignees or agents, as
2058 follows:

2059 1. The division may permit a person whose conduct or
2060 actions may be under investigation to waive formal proceedings
2061 and enter into a consent proceeding whereby orders, rules, or
2062 letters of censure or warning, whether formal or informal, may
2063 be entered against the person.

2064 2. The division may issue an order requiring the
2065 developer, bulk assignee, bulk buyer, association, developer-
2066 designated officer, or developer-designated member of the board
2067 of administration, developer-designated assignees or agents,
2068 bulk assignee-designated assignees or agents, bulk buyer-
2069 designated assignees or agents, community association manager,
2070 or community association management firm to cease and desist
2071 from the unlawful practice and take such affirmative action as
2072 in the judgment of the division carry out the purposes of this
2073 chapter. If the division finds that a developer, bulk assignee,
2074 bulk buyer, association, officer, or member of the board of
2075 administration, or its assignees or agents, is violating or is

2076 about to violate any provision of this chapter, any rule adopted
2077 or order issued by the division, or any written agreement
2078 entered into with the division, and presents an immediate danger
2079 to the public requiring an immediate final order, it may issue
2080 an emergency cease and desist order reciting with particularity
2081 the facts underlying such findings. The emergency cease and
2082 desist order is effective for 90 days. If the division begins
2083 nonemergency cease and desist proceedings, the emergency cease
2084 and desist order remains effective until the conclusion of the
2085 proceedings under ss. 120.569 and 120.57.

2086 3. If a developer, bulk assignee, or bulk buyer, fails to
2087 pay any restitution determined by the division to be owed, plus
2088 any accrued interest at the highest rate permitted by law,
2089 within 30 days after expiration of any appellate time period of
2090 a final order requiring payment of restitution or the conclusion
2091 of any appeal thereof, whichever is later, the division must
2092 bring an action in circuit or county court on behalf of any
2093 association, class of unit owners, lessees, or purchasers for
2094 restitution, declaratory relief, injunctive relief, or any other
2095 available remedy. The division may also temporarily revoke its
2096 acceptance of the filing for the developer to which the
2097 restitution relates until payment of restitution is made.

2098 4. The division may petition the court for appointment of
2099 a receiver or conservator. If appointed, the receiver or
2100 conservator may take action to implement the court order to

2101 ensure the performance of the order and to remedy any breach
2102 thereof. In addition to all other means provided by law for the
2103 enforcement of an injunction or temporary restraining order, the
2104 circuit court may impound or sequester the property of a party
2105 defendant, including books, papers, documents, and related
2106 records, and allow the examination and use of the property by
2107 the division and a court-appointed receiver or conservator.

2108 5. The division may apply to the circuit court for an
2109 order of restitution whereby the defendant in an action brought
2110 under ~~pursuant to~~ subparagraph 4. is ordered to make restitution
2111 of those sums shown by the division to have been obtained by the
2112 defendant in violation of this chapter. At the option of the
2113 court, such restitution is payable to the conservator or
2114 receiver appointed under ~~pursuant to~~ subparagraph 4. or directly
2115 to the persons whose funds or assets were obtained in violation
2116 of this chapter.

2117 6. The division may impose a civil penalty against a
2118 developer, bulk assignee, or bulk buyer, or association, or its
2119 assignee or agent, for any violation of this chapter or related
2120 rule. The division may impose a civil penalty individually
2121 against an officer or board member who willfully and knowingly
2122 violates a ~~provision of~~ this chapter, adopted rule, or a final
2123 order of the division; may order the removal of such individual
2124 as an officer or from the board of administration or as an
2125 officer of the association; and may prohibit such individual

2126 | from serving as an officer or on the board of a community
 2127 | association for a period of time. The term "willfully and
 2128 | knowingly" means that the division informed the officer or board
 2129 | member that his or her action or intended action violates this
 2130 | chapter, a rule adopted under this chapter, or a final order of
 2131 | the division and that the officer or board member refused to
 2132 | comply with the requirements of this chapter, a rule adopted
 2133 | under this chapter, or a final order of the division. The
 2134 | division, before initiating formal agency action under chapter
 2135 | 120, must afford the officer or board member an opportunity to
 2136 | voluntarily comply, and an officer or board member who complies
 2137 | within 10 days is not subject to a civil penalty. A penalty may
 2138 | be imposed on the basis of each day of continuing violation, but
 2139 | the penalty for any offense may not exceed \$5,000. ~~By January 1,~~
 2140 | ~~1998,~~ The division shall adopt, by rule, penalty guidelines
 2141 | applicable to possible violations or to categories of violations
 2142 | of this chapter or rules adopted by the division. The guidelines
 2143 | must specify a meaningful range of civil penalties for each such
 2144 | violation of the statute and rules and must be based upon the
 2145 | harm caused by the violation, the repetition of the violation,
 2146 | and upon such other factors deemed relevant by the division. For
 2147 | example, the division may consider whether the violations were
 2148 | committed by a developer, bulk assignee, or bulk buyer, or
 2149 | owner-controlled association, the size of the association, and
 2150 | other factors. The guidelines must designate the possible

2151 mitigating or aggravating circumstances that justify a departure
2152 from the range of penalties provided by the rules. It is the
2153 legislative intent that minor violations be distinguished from
2154 those which endanger the health, safety, or welfare of the
2155 condominium residents or other persons and that such guidelines
2156 provide reasonable and meaningful notice to the public of likely
2157 penalties that may be imposed for proscribed conduct. This
2158 subsection does not limit the ability of the division to
2159 informally dispose of administrative actions or complaints by
2160 stipulation, agreed settlement, or consent order. All amounts
2161 collected shall be deposited with the Chief Financial Officer to
2162 the credit of the Division of Florida Condominiums, Timeshares,
2163 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2164 bulk buyer fails to pay the civil penalty and the amount deemed
2165 to be owed to the association, the division shall issue an order
2166 directing that such developer, bulk assignee, or bulk buyer
2167 cease and desist from further operation until such time as the
2168 civil penalty is paid or may pursue enforcement of the penalty
2169 in a court of competent jurisdiction. If an association fails to
2170 pay the civil penalty, the division shall pursue enforcement in
2171 a court of competent jurisdiction, and the order imposing the
2172 civil penalty or the cease and desist order is not effective
2173 until 20 days after the date of such order. Any action commenced
2174 by the division shall be brought in the county in which the
2175 division has its executive offices or in the county where the

2176 violation occurred.

2177 7. If a unit owner presents the division with proof that
2178 the unit owner has requested access to official records in
2179 writing by certified mail, and that after 10 days the unit owner
2180 again made the same request for access to official records in
2181 writing by certified mail, and that more than 10 days has
2182 elapsed since the second request and the association has still
2183 failed or refused to provide access to official records as
2184 required by this chapter, the division shall issue a subpoena
2185 requiring production of the requested records where the records
2186 are kept pursuant to s. 718.112.

2187 8. In addition to subparagraph 6., the division may seek
2188 the imposition of a civil penalty through the circuit court for
2189 any violation for which the division may issue a notice to show
2190 cause under paragraph (r). The civil penalty shall be at least
2191 \$500 but no more than \$5,000 for each violation. The court may
2192 also award to the prevailing party court costs and reasonable
2193 attorney ~~attorney's~~ fees and, if the division prevails, may also
2194 award reasonable costs of investigation.

2195 (e) The division may prepare and disseminate a prospectus
2196 and other information to assist prospective owners, purchasers,
2197 lessees, and developers of residential condominiums in assessing
2198 the rights, privileges, and duties pertaining thereto.

2199 (f) The division may adopt rules to administer and enforce
2200 ~~the provisions of~~ this chapter.

2201 (g) The division shall establish procedures for providing
2202 notice to an association and the developer, bulk assignee, or
2203 bulk buyer during the period in which the developer, bulk
2204 assignee, or bulk buyer controls the association if the division
2205 is considering the issuance of a declaratory statement with
2206 respect to the declaration of condominium or any related
2207 document governing such condominium community.

2208 (h) The division shall furnish each association that pays
2209 the fees required by paragraph (3)(a) ~~(2)(a)~~ a copy of this
2210 chapter, as amended, and the rules adopted thereto on an annual
2211 basis.

2212 (i) The division shall annually provide each association
2213 with a summary of declaratory statements and formal legal
2214 opinions relating to the operations of condominiums which were
2215 rendered by the division during the previous year.

2216 (j) The division shall provide training and educational
2217 programs for condominium association board members and unit
2218 owners. The training may, in the division's discretion, include
2219 web-based electronic media, and live training and seminars in
2220 various locations throughout the state. The division may review
2221 and approve education and training programs for board members
2222 and unit owners offered by providers and shall maintain a
2223 current list of approved programs and providers and make such
2224 list available to board members and unit owners in a reasonable
2225 and cost-effective manner. The division may adopt rules to

2226 | establish requirements for the training and educational programs
 2227 | required in this paragraph.

2228 | (k) The division shall maintain a toll-free telephone
 2229 | number accessible to condominium unit owners.

2230 | (l) The division shall develop a program to certify both
 2231 | volunteer and paid mediators to provide mediation of condominium
 2232 | disputes. The division shall provide, upon request, a list of
 2233 | such mediators to any association, unit owner, or other
 2234 | participant in alternative dispute resolution ~~arbitration~~
 2235 | proceedings under s. 718.1255 requesting a copy of the list. The
 2236 | division shall include on the list of volunteer mediators only
 2237 | the names of persons who have received at least 20 hours of
 2238 | training in mediation techniques or who have mediated at least
 2239 | 20 disputes. In order to become initially certified by the
 2240 | division, paid mediators must be certified by the Supreme Court
 2241 | to mediate court cases in county or circuit courts. However, the
 2242 | division may adopt, by rule, additional factors for the
 2243 | certification of paid mediators, which must be related to
 2244 | experience, education, or background. Any person initially
 2245 | certified as a paid mediator by the division must, in order to
 2246 | continue to be certified, comply with the factors or
 2247 | requirements adopted by rule.

2248 | (m) If a complaint is made, the division must conduct its
 2249 | inquiry with due regard for the interests of the affected
 2250 | parties. Within 30 days after receipt of a complaint, the

2251 division shall acknowledge the complaint in writing and notify
2252 the complainant whether the complaint is within the jurisdiction
2253 of the division and whether additional information is needed by
2254 the division from the complainant. The division shall conduct
2255 its investigation and, within 90 days after receipt of the
2256 original complaint or of timely requested additional
2257 information, take action upon the complaint. However, the
2258 failure to complete the investigation within 90 days does not
2259 prevent the division from continuing the investigation,
2260 accepting or considering evidence obtained or received after 90
2261 days, or taking administrative action if reasonable cause exists
2262 to believe that a violation of this chapter or a rule has
2263 occurred. If an investigation is not completed within the time
2264 limits established in this paragraph, the division shall, on a
2265 monthly basis, notify the complainant in writing of the status
2266 of the investigation. When reporting its action to the
2267 complainant, the division shall inform the complainant of any
2268 right to a hearing under ~~pursuant to~~ ss. 120.569 and 120.57.

2269 (n) Condominium association directors, officers, and
2270 employees; condominium developers; bulk assignees, bulk buyers,
2271 and community association managers; and community association
2272 management firms have an ongoing duty to reasonably cooperate
2273 with the division in any investigation under ~~pursuant to~~ this
2274 section. The division shall refer to local law enforcement
2275 authorities any person whom the division believes has altered,

2276 | destroyed, concealed, or removed any record, document, or thing
 2277 | required to be kept or maintained by this chapter with the
 2278 | purpose to impair its verity or availability in the department's
 2279 | investigation.

2280 | (o) The division may:

2281 | 1. Contract with agencies in this state or other
 2282 | jurisdictions to perform investigative functions; or

2283 | 2. Accept grants-in-aid from any source.

2284 | (p) The division shall cooperate with similar agencies in
 2285 | other jurisdictions to establish uniform filing procedures and
 2286 | forms, public offering statements, advertising standards, and
 2287 | rules and common administrative practices.

2288 | (q) The division shall consider notice to a developer,
 2289 | bulk assignee, or bulk buyer to be complete when it is delivered
 2290 | to the address of the developer, bulk assignee, or bulk buyer
 2291 | currently on file with the division.

2292 | (r) In addition to its enforcement authority, the division
 2293 | may issue a notice to show cause, which must provide for a
 2294 | hearing, upon written request, in accordance with chapter 120.

2295 | (s) The division shall submit to the Governor, the
 2296 | President of the Senate, the Speaker of the House of
 2297 | Representatives, and the chairs of the legislative
 2298 | appropriations committees an annual report that includes, but
 2299 | need not be limited to, the number of training programs provided
 2300 | for condominium association board members and unit owners, the

2301 number of complaints received by type, the number and percent of
2302 complaints acknowledged in writing within 30 days and the number
2303 and percent of investigations acted upon within 90 days in
2304 accordance with paragraph (m), and the number of investigations
2305 exceeding the 90-day requirement. The annual report must also
2306 include an evaluation of the division's core business processes
2307 and make recommendations for improvements, including statutory
2308 changes. The report shall be submitted by September 30 following
2309 the end of the fiscal year.

2310 (3) (a) ~~(2) (a)~~ Each condominium association which operates
2311 more than two units shall pay to the division an annual fee in
2312 the amount of \$4 for each residential unit in condominiums
2313 operated by the association. If the fee is not paid by March 1,
2314 the association shall be assessed a penalty of 10 percent of the
2315 amount due, and the association will not have standing to
2316 maintain or defend any action in the courts of this state until
2317 the amount due, plus any penalty, is paid.

2318 (b) All fees shall be deposited in the Division of Florida
2319 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2320 provided by law.

2321 Section 27. Section 718.5014, Florida Statutes, is amended
2322 to read:

2323 718.5014 Ombudsman location.—The ombudsman shall maintain
2324 his or her principal office in a Leon County ~~on the premises of~~
2325 ~~the division or, if suitable space cannot be provided there, at~~

2326 | ~~another~~ place convenient to the offices of the division which
 2327 | will enable the ombudsman to expeditiously carry out the duties
 2328 | and functions of his or her office. The ombudsman may establish
 2329 | branch offices elsewhere in the state upon the concurrence of
 2330 | the Governor.

2331 | Section 28. Subsection (25) of section 719.103, Florida
 2332 | Statutes, is amended to read:

2333 | 719.103 Definitions.—As used in this chapter:

2334 | (25) "Unit" means a part of the cooperative property which
 2335 | is subject to exclusive use and possession. A unit may be
 2336 | improvements, land, or land and improvements together, as
 2337 | specified in the cooperative documents. An interest in a unit is
 2338 | an interest in real property.

2339 | Section 29. Paragraph (c) of subsection (2) of section
 2340 | 719.104, Florida Statutes, is amended to read:

2341 | 719.104 Cooperatives; access to units; records; financial
 2342 | reports; assessments; purchase of leases.—

2343 | (2) OFFICIAL RECORDS.—

2344 | (c) The official records of the association are open to
 2345 | inspection by any association member or the authorized
 2346 | representative of such member at all reasonable times. The right
 2347 | to inspect the records includes the right to make or obtain
 2348 | copies, at the reasonable expense, if any, of the association
 2349 | member. The association may adopt reasonable rules regarding the
 2350 | frequency, time, location, notice, and manner of record

2351 inspections and copying, but may not require a member to
2352 demonstrate any purpose or state any reason for the inspection.
2353 The failure of an association to provide the records within 10
2354 working days after receipt of a written request creates a
2355 rebuttable presumption that the association willfully failed to
2356 comply with this paragraph. A member ~~unit-owner~~ who is denied
2357 access to official records is entitled to the actual damages or
2358 minimum damages for the association's willful failure to comply.
2359 The minimum damages are \$50 per calendar day for up to 10 days,
2360 beginning on the 11th working day after receipt of the written
2361 request. The failure to permit inspection entitles any person
2362 prevailing in an enforcement action to recover reasonable
2363 attorney fees from the person in control of the records who,
2364 directly or indirectly, knowingly denied access to the records.
2365 Any person who knowingly or intentionally defaces or destroys
2366 accounting records that are required by this chapter to be
2367 maintained during the period for which such records are required
2368 to be maintained, or who knowingly or intentionally fails to
2369 create or maintain accounting records that are required to be
2370 created or maintained, with the intent of causing harm to the
2371 association or one or more of its members, is personally subject
2372 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
2373 association shall maintain an adequate number of copies of the
2374 declaration, articles of incorporation, bylaws, and rules, and
2375 all amendments to each of the foregoing, as well as the question

2376 and answer sheet as described in s. 719.504 and year-end
2377 financial information required by the department, on the
2378 cooperative property to ensure their availability to members
2379 ~~unit owners~~ and prospective purchasers, and may charge its
2380 actual costs for preparing and furnishing these documents to
2381 those requesting the same. An association shall allow a member
2382 or his or her authorized representative to use a portable
2383 device, including a smartphone, tablet, portable scanner, or any
2384 other technology capable of scanning or taking photographs, to
2385 make an electronic copy of the official records in lieu of the
2386 association providing the member or his or her authorized
2387 representative with a copy of such records. The association may
2388 not charge a member or his or her authorized representative for
2389 the use of a portable device. Notwithstanding this paragraph,
2390 the following records shall not be accessible to members ~~unit~~
2391 ~~owners~~:

2392 1. Any record protected by the lawyer-client privilege as
2393 described in s. 90.502 and any record protected by the work-
2394 product privilege, including any record prepared by an
2395 association attorney or prepared at the attorney's express
2396 direction which reflects a mental impression, conclusion,
2397 litigation strategy, or legal theory of the attorney or the
2398 association, and which was prepared exclusively for civil or
2399 criminal litigation or for adversarial administrative
2400 proceedings, or which was prepared in anticipation of such

2401 litigation or proceedings until the conclusion of the litigation
 2402 or proceedings.

2403 2. Information obtained by an association in connection
 2404 with the approval of the lease, sale, or other transfer of a
 2405 unit.

2406 3. Personnel records of association or management company
 2407 employees, including, but not limited to, disciplinary, payroll,
 2408 health, and insurance records. For purposes of this
 2409 subparagraph, the term "personnel records" does not include
 2410 written employment agreements with an association employee or
 2411 management company, or budgetary or financial records that
 2412 indicate the compensation paid to an association employee.

2413 4. Medical records of unit owners.

2414 5. Social security numbers, driver license numbers, credit
 2415 card numbers, e-mail addresses, telephone numbers, facsimile
 2416 numbers, emergency contact information, addresses of a unit
 2417 owner other than as provided to fulfill the association's notice
 2418 requirements, and other personal identifying information of any
 2419 person, excluding the person's name, unit designation, mailing
 2420 address, property address, and any address, e-mail address, or
 2421 facsimile number provided to the association to fulfill the
 2422 association's notice requirements. Notwithstanding the
 2423 restrictions in this subparagraph, an association may print and
 2424 distribute to unit ~~parcel~~ owners a directory containing the
 2425 name, unit ~~parcel~~ address, and all telephone numbers of each

2426 unit ~~parcel~~ owner. However, an owner may exclude his or her
2427 telephone numbers from the directory by so requesting in writing
2428 to the association. An owner may consent in writing to the
2429 disclosure of other contact information described in this
2430 subparagraph. The association is not liable for the inadvertent
2431 disclosure of information that is protected under this
2432 subparagraph if the information is included in an official
2433 record of the association and is voluntarily provided by an
2434 owner and not requested by the association.

2435 6. Electronic security measures that are used by the
2436 association to safeguard data, including passwords.

2437 7. The software and operating system used by the
2438 association which allow the manipulation of data, even if the
2439 owner owns a copy of the same software used by the association.
2440 The data is part of the official records of the association.

2441 Section 30. Paragraphs (b), (f), and (l) of subsection (1)
2442 of section 719.106, Florida Statutes, are amended, and
2443 subsection (3) is added to that section, to read:

2444 719.106 Bylaws; cooperative ownership.—

2445 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
2446 documents shall provide for the following, and if they do not,
2447 they shall be deemed to include the following:

2448 (b) Quorum; voting requirements; proxies.—

2449 1. Unless otherwise provided in the bylaws, the percentage
2450 of voting interests required to constitute a quorum at a meeting

2451 of the members shall be a majority of voting interests, and
2452 decisions shall be made by owners of a majority of the voting
2453 interests. Unless otherwise provided in this chapter, or in the
2454 articles of incorporation, bylaws, or other cooperative
2455 documents, and except as provided in subparagraph (d)1.,
2456 decisions shall be made by owners of a majority of the voting
2457 interests represented at a meeting at which a quorum is present.

2458 2. Except as specifically otherwise provided herein, after
2459 January 1, 1992, unit owners may not vote by general proxy, but
2460 may vote by limited proxies substantially conforming to a
2461 limited proxy form adopted by the division. Limited proxies and
2462 general proxies may be used to establish a quorum. Limited
2463 proxies shall be used for votes taken to waive or reduce
2464 reserves in accordance with subparagraph (j)2., for votes taken
2465 to waive the financial reporting requirements of s.

2466 719.104(4)(b), for votes taken to amend the articles of
2467 incorporation or bylaws pursuant to this section, and for any
2468 other matter for which this chapter requires or permits a vote
2469 of the unit owners. Except as provided in paragraph (d), after
2470 January 1, 1992, no proxy, limited or general, shall be used in
2471 the election of board members. General proxies may be used for
2472 other matters for which limited proxies are not required, and
2473 may also be used in voting for nonsubstantive changes to items
2474 for which a limited proxy is required and given. Notwithstanding
2475 the provisions of this section, unit owners may vote in person

2476 at unit owner meetings. Nothing contained herein shall limit the
2477 use of general proxies or require the use of limited proxies or
2478 require the use of limited proxies for any agenda item or
2479 election at any meeting of a timeshare cooperative.

2480 3. Any proxy given shall be effective only for the
2481 specific meeting for which originally given and any lawfully
2482 adjourned meetings thereof. In no event shall any proxy be valid
2483 for a period longer than 90 days after the date of the first
2484 meeting for which it was given. Every proxy shall be revocable
2485 at any time at the pleasure of the unit owner executing it.

2486 4. A member of the board of administration or a committee
2487 may submit in writing his or her agreement or disagreement with
2488 any action taken at a meeting that the member did not attend.
2489 This agreement or disagreement may not be used as a vote for or
2490 against the action taken and may not be used for the purposes of
2491 creating a quorum.

2492 5. A board or committee member participating in a meeting
2493 via telephone, real-time video conferencing, or similar real-
2494 time electronic or video communication counts toward a quorum,
2495 and such member may vote as if physically present ~~When some or~~
2496 ~~all of the board or committee members meet by telephone~~
2497 ~~conference, those board or committee members attending by~~
2498 ~~telephone conference may be counted toward obtaining a quorum~~
2499 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be
2500 used ~~utilized~~ so that the conversation of such ~~those board or~~

2501 ~~committee members attending by telephone~~ may be heard by the
2502 board or committee members attending in person, as well as by
2503 any unit owners present at a meeting.

2504 (f) Recall of board members.—Subject to s. 719.301, any
2505 member of the board of administration may be recalled and
2506 removed from office with or without cause by the vote or
2507 agreement in writing by a majority of all the voting interests.
2508 A special meeting of the voting interests to recall any member
2509 of the board of administration may be called by 10 percent of
2510 the unit owners giving notice of the meeting as required for a
2511 meeting of unit owners, and the notice shall state the purpose
2512 of the meeting. Electronic transmission may not be used as a
2513 method of giving notice of a meeting called in whole or in part
2514 for this purpose.

2515 1. If the recall is approved by a majority of all voting
2516 interests by a vote at a meeting, the recall shall be effective
2517 as provided in this paragraph. The board shall duly notice and
2518 hold a board meeting within 5 full business days after the
2519 adjournment of the unit owner meeting to recall one or more
2520 board members. At the meeting, the board shall either certify
2521 the recall, in which case such member or members shall be
2522 recalled effective immediately and shall turn over to the board
2523 within 5 full business days any and all records and property of
2524 the association in their possession, or shall proceed as set
2525 forth in subparagraph 3.

2526 2. If the proposed recall is by an agreement in writing by
2527 a majority of all voting interests, the agreement in writing or
2528 a copy thereof shall be served on the association by certified
2529 mail or by personal service in the manner authorized by chapter
2530 48 and the Florida Rules of Civil Procedure. The board of
2531 administration shall duly notice and hold a meeting of the board
2532 within 5 full business days after receipt of the agreement in
2533 writing. At the meeting, the board shall either certify the
2534 written agreement to recall members of the board, in which case
2535 such members shall be recalled effective immediately and shall
2536 turn over to the board, within 5 full business days, any and all
2537 records and property of the association in their possession, or
2538 proceed as described in subparagraph 3.

2539 3. If the board determines not to certify the written
2540 agreement to recall members of the board, or does not certify
2541 the recall by a vote at a meeting, the board shall, within 5
2542 full business days after the board meeting, file with the
2543 division a petition for binding arbitration under ~~pursuant to~~
2544 ~~the procedures of~~ s. 719.1255 or file an action with a court of
2545 competent jurisdiction. For purposes of this paragraph, the unit
2546 owners who voted at the meeting or who executed the agreement in
2547 writing shall constitute one party under the petition for
2548 arbitration or in a court action. If the arbitrator or court
2549 certifies the recall as to any member of the board, the recall
2550 is ~~shall be~~ effective upon the mailing of the final order of

2551 arbitration to the association or the final order of the court.
2552 If the association fails to comply with the order of the court
2553 or the arbitrator, the division may take action under ~~pursuant~~
2554 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board
2555 any and all records and property of the association in the
2556 member's possession within 5 full business days after the
2557 effective date of the recall.

2558 4. If the board fails to duly notice and hold a board
2559 meeting within 5 full business days after service of an
2560 agreement in writing or within 5 full business days after the
2561 adjournment of the unit owner recall meeting, the recall is
2562 ~~shall be~~ deemed effective and the board members so recalled
2563 shall immediately turn over to the board any and all records and
2564 property of the association.

2565 5. If the board fails to duly notice and hold the required
2566 meeting or fails to file the required petition or action, the
2567 unit owner representative may file a petition under ~~pursuant to~~
2568 s. 719.1255 or file an action in a court of competent
2569 jurisdiction challenging the board's failure to act. The
2570 petition or action must be filed within 60 days after the
2571 expiration of the applicable 5-full-business-day period. The
2572 review of a petition or action under this subparagraph is
2573 limited to the sufficiency of service on the board and the
2574 facial validity of the written agreement or ballots filed.

2575 6. If a vacancy occurs on the board as a result of a

2576 recall and less than a majority of the board members are
2577 removed, the vacancy may be filled by the affirmative vote of a
2578 majority of the remaining directors, notwithstanding any
2579 provision to the contrary contained in this chapter. If
2580 vacancies occur on the board as a result of a recall and a
2581 majority or more of the board members are removed, the vacancies
2582 shall be filled in accordance with procedural rules to be
2583 adopted by the division, which rules need not be consistent with
2584 this chapter. The rules must provide procedures governing the
2585 conduct of the recall election as well as the operation of the
2586 association during the period after a recall but before the
2587 recall election.

2588 7. A board member who has been recalled may file a
2589 petition under ~~pursuant to~~ s. 719.1255 or file an action in a
2590 court of competent jurisdiction challenging the validity of the
2591 recall. The petition or action must be filed within 60 days
2592 after the recall is deemed certified. The association and the
2593 unit owner representative shall be named as the respondents.

2594 8. The division or court may not accept for filing a
2595 recall petition or action, whether filed under ~~pursuant to~~
2596 subparagraph 1., subparagraph 2., subparagraph 5., or
2597 subparagraph 7. and regardless of whether the recall was
2598 certified, when there are 60 or fewer days until the scheduled
2599 reelection of the board member sought to be recalled or when 60
2600 or fewer days have not elapsed since the election of the board

2601 member sought to be recalled.

2602 (1) Alternative dispute resolution ~~Arbitration~~.—There
2603 shall be a provision for mandatory nonbinding alternative
2604 dispute resolution ~~arbitration~~ of internal disputes arising from
2605 the operation of the cooperative in accordance with s. 719.1255.

2606 (3) GENERALLY.—The association may extinguish a
2607 discriminatory restriction as provided under s. 712.065.

2608 Section 31. Paragraph (1) of subsection (4) of section
2609 720.303, Florida Statutes, is redesignated as paragraph (m),
2610 paragraph (c) of subsection (2), present paragraph (1) of
2611 subsection (4), paragraphs (c) and (d) of subsection (6), and
2612 paragraphs (b), (d), (g), (k), and (l) of subsection (10) are
2613 amended, and a new paragraph (1) is added to subsection (4) of
2614 that section, to read:

2615 720.303 Association powers and duties; meetings of board;
2616 official records; budgets; financial reporting; association
2617 funds; recalls.—

2618 (2) BOARD MEETINGS.—

2619 (c) The bylaws shall provide the following for giving
2620 notice to parcel owners and members of all board meetings and,
2621 if they do not do so, shall be deemed to include the following:

2622 1. Notices of all board meetings must be posted in a
2623 conspicuous place in the community at least 48 hours in advance
2624 of a meeting, except in an emergency. In the alternative, if
2625 notice is not posted in a conspicuous place in the community,

2626 notice of each board meeting must be mailed or delivered to each
2627 member at least 7 days before the meeting, except in an
2628 emergency. Notwithstanding this general notice requirement, for
2629 communities with more than 100 members, the association bylaws
2630 may provide for a reasonable alternative to posting or mailing
2631 of notice for each board meeting, including publication of
2632 notice, provision of a schedule of board meetings, or the
2633 conspicuous posting and repeated broadcasting of the notice on a
2634 closed-circuit cable television system serving the homeowners'
2635 association. However, if broadcast notice is used in lieu of a
2636 notice posted physically in the community, the notice must be
2637 broadcast at least four times every broadcast hour of each day
2638 that a posted notice is otherwise required. When broadcast
2639 notice is provided, the notice and agenda must be broadcast in a
2640 manner and for a sufficient continuous length of time so as to
2641 allow an average reader to observe the notice and read and
2642 comprehend the entire content of the notice and the agenda. In
2643 addition to any of the authorized means of providing notice of a
2644 meeting of the board, the association may, by rule, adopt a
2645 procedure for conspicuously posting the meeting notice and the
2646 agenda on the association's website or an application that can
2647 be downloaded on a mobile device for at least the minimum period
2648 of time for which a notice of a meeting is also required to be
2649 physically posted on the association property. Any rule adopted
2650 shall, in addition to other matters, include a requirement that

2651 the association send an electronic notice in the same manner as
2652 is required for a notice of a meeting of the members, which must
2653 include a hyperlink to the website or such mobile application at
2654 which the notice is posted, to members whose e-mail addresses
2655 are included in the association's official records. The
2656 association may provide notice by electronic transmission in a
2657 manner authorized by law for meetings of the board of directors,
2658 committee meetings requiring notice under this section, and
2659 annual and special meetings of the members to any member who has
2660 provided a facsimile number or e-mail address to the association
2661 to be used for such purposes; however, a member must consent in
2662 writing to receiving notice by electronic transmission.

2663 2. An assessment may not be levied at a board meeting
2664 unless the notice of the meeting includes a statement that
2665 assessments will be considered and the nature of the
2666 assessments. Written notice of any meeting at which special
2667 assessments will be considered or at which amendments to rules
2668 regarding parcel use will be considered must be mailed,
2669 delivered, or electronically transmitted to the members and
2670 parcel owners and posted conspicuously on the property or
2671 broadcast on closed-circuit cable television not less than 14
2672 days before the meeting.

2673 3. Directors may not vote by proxy or by secret ballot at
2674 board meetings, except that secret ballots may be used in the
2675 election of officers. This subsection also applies to the

2676 meetings of any committee or other similar body, when a final
2677 decision will be made regarding the expenditure of association
2678 funds, and to any body vested with the power to approve or
2679 disapprove architectural decisions with respect to a specific
2680 parcel of residential property owned by a member of the
2681 community.

2682 (4) OFFICIAL RECORDS.—The association shall maintain each
2683 of the following items, when applicable, which constitute the
2684 official records of the association:

2685 (1) Ballots, sign-in sheets, voting proxies, and all other
2686 papers and electronic records relating to voting by parcel
2687 owners, which must be maintained for at least 1 year after the
2688 date of the election, vote, or meeting.

2689 (m) ~~(1)~~ All other written records of the association not
2690 specifically included in this subsection ~~the foregoing~~ which are
2691 related to the operation of the association.

2692 (6) BUDGETS.—

2693 (c)1. If the budget of the association does not provide
2694 for reserve accounts under ~~pursuant to~~ paragraph (d), or the
2695 declaration of covenants, articles, or bylaws do not obligate
2696 the developer to create reserves, and the association is
2697 responsible for the repair and maintenance of capital
2698 improvements that may result in a special assessment if reserves
2699 are not provided or not fully funded, then each financial report
2700 for the preceding fiscal year required by subsection (7) must

2701 contain the following statement in conspicuous type:

2702

2703 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED
2704 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED
2705 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING
2706 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED
2707 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA
2708 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL
2709 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A
2710 MEETING OR BY WRITTEN CONSENT.

2711 2. If the budget of the association does provide for
2712 funding accounts for deferred expenditures, including, but not
2713 limited to, funds for capital expenditures and deferred
2714 maintenance, but such accounts are not created or established
2715 under ~~pursuant to~~ paragraph (d), each financial report for the
2716 preceding fiscal year required under subsection (7) must also
2717 contain the following statement in conspicuous type:

2718 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY
2719 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES
2720 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED
2721 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED
2722 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION
2723 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE
2724 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR
2725 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

2726 (d) An association is deemed to have provided for reserve
2727 accounts ~~if reserve accounts have been initially established by~~
2728 ~~the developer or if the membership of the association~~
2729 ~~affirmatively elects to provide for reserves. If reserve~~
2730 ~~accounts are established by the developer, the budget must~~
2731 ~~designate the components for which the reserve accounts may be~~
2732 ~~used. If reserve accounts are not initially provided by the~~
2733 ~~developer, the membership of the association may elect to do so~~
2734 upon the affirmative approval of a majority of the total voting
2735 interests of the association. Such approval may be obtained by
2736 vote of the members at a duly called meeting of the membership
2737 or by the written consent of a majority of the total voting
2738 interests of the association. The approval action of the
2739 membership must state that reserve accounts shall be provided
2740 for in the budget and must designate the components for which
2741 the reserve accounts are to be established. Upon approval by the
2742 membership, the board of directors shall include the required
2743 reserve accounts in the budget in the next fiscal year following
2744 the approval and each year thereafter. Once established as
2745 provided in this subsection, the reserve accounts must be funded
2746 or maintained or have their funding waived in the manner
2747 provided in paragraph (f).

2748 (10) RECALL OF DIRECTORS.—

2749 (b)1. Board directors may be recalled by an agreement in
2750 writing or by written ballot without a membership meeting. The

2751 agreement in writing or the written ballots, or a copy thereof,
2752 shall be served on the association by certified mail or by
2753 personal service in the manner authorized by chapter 48 and the
2754 Florida Rules of Civil Procedure.

2755 2. The board shall duly notice and hold a meeting of the
2756 board within 5 full business days after receipt of the agreement
2757 in writing or written ballots. At the meeting, the board shall
2758 either certify the written ballots or written agreement to
2759 recall a director or directors of the board, in which case such
2760 director or directors shall be recalled effective immediately
2761 and shall turn over to the board within 5 full business days any
2762 and all records and property of the association in their
2763 possession, or proceed as described in paragraph (d).

2764 3. When it is determined by the department pursuant to
2765 binding arbitration proceedings or the court in an action filed
2766 in a court of competent jurisdiction that an initial recall
2767 effort was defective, written recall agreements or written
2768 ballots used in the first recall effort and not found to be
2769 defective may be reused in one subsequent recall effort.
2770 However, in no event is a written agreement or written ballot
2771 valid for more than 120 days after it has been signed by the
2772 member.

2773 4. Any rescission or revocation of a member's written
2774 recall ballot or agreement must be in writing and, in order to
2775 be effective, must be delivered to the association before the

2776 association is served with the written recall agreements or
2777 ballots.

2778 5. The agreement in writing or ballot shall list at least
2779 as many possible replacement directors as there are directors
2780 subject to the recall, when at least a majority of the board is
2781 sought to be recalled; the person executing the recall
2782 instrument may vote for as many replacement candidates as there
2783 are directors subject to the recall.

2784 (d) If the board determines not to certify the written
2785 agreement or written ballots to recall a director or directors
2786 of the board or does not certify the recall by a vote at a
2787 meeting, the board shall, within 5 full business days after the
2788 meeting, file an action with a court of competent jurisdiction
2789 or file with the department a petition for binding arbitration
2790 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)
2791 and 718.1255 and the rules adopted thereunder. For the purposes
2792 of this section, the members who voted at the meeting or who
2793 executed the agreement in writing shall constitute one party
2794 under the petition for arbitration or in a court action. If the
2795 arbitrator or court certifies the recall as to any director or
2796 directors of the board, the recall will be effective upon the
2797 final order of the court or the mailing of the final order of
2798 arbitration to the association. The director or directors so
2799 recalled shall deliver to the board any and all records of the
2800 association in their possession within 5 full business days

2801 after the effective date of the recall.

2802 (g) If the board fails to duly notice and hold the
 2803 required meeting or fails to file the required petition or
 2804 action, the parcel unit owner representative may file a petition
 2805 or a court action under ~~pursuant to~~ s. 718.1255 challenging the
 2806 board's failure to act. The petition or action must be filed
 2807 within 60 days after the expiration of the applicable 5-full-
 2808 business-day period. The review of a petition or action under
 2809 this paragraph is limited to the sufficiency of service on the
 2810 board and the facial validity of the written agreement or
 2811 ballots filed.

2812 (k) A board member who has been recalled may file an
 2813 action with a court of competent jurisdiction or a petition
 2814 under ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules
 2815 adopted challenging the validity of the recall. The petition or
 2816 action must be filed within 60 days after the recall is deemed
 2817 certified. The association and the parcel unit owner
 2818 representative shall be named as respondents.

2819 (l) The division or a court of competent jurisdiction may
 2820 not accept for filing a recall petition or action, whether filed
 2821 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),
 2822 or paragraph (k) and regardless of whether the recall was
 2823 certified, when there are 60 or fewer days until the scheduled
 2824 reelection of the board member sought to be recalled or when 60
 2825 or fewer days have not elapsed since the election of the board

2826 member sought to be recalled.

2827 Section 32. Subsections (1) and (2) of section 720.305,
 2828 Florida Statutes, are amended to read:

2829 720.305 Obligations of members; remedies at law or in
 2830 equity; levy of fines and suspension of use rights.—

2831 (1) Each member and the member's tenants, guests, and
 2832 invitees, and each association, are governed by, and must comply
 2833 with, this chapter and the governing documents of the
 2834 community, ~~and the rules of the association~~. Actions at law or
 2835 in equity, or both, to redress alleged failure or refusal to
 2836 comply with these provisions may be brought by the association
 2837 or by any member against:

2838 (a) The association;

2839 (b) A member;

2840 (c) Any director or officer of an association who
 2841 willfully and knowingly fails to comply with these provisions;
 2842 and

2843 (d) Any tenants, guests, or invitees occupying a parcel or
 2844 using the common areas.

2845
 2846 The prevailing party in any such litigation is entitled to
 2847 recover reasonable attorney fees and costs. A member prevailing
 2848 in an action between the association and the member under this
 2849 section, in addition to recovering his or her reasonable
 2850 attorney fees, may recover additional amounts as determined by

2851 the court to be necessary to reimburse the member for his or her
2852 share of assessments levied by the association to fund its
2853 expenses of the litigation. This relief does not exclude other
2854 remedies provided by law. This section does not deprive any
2855 person of any other available right or remedy.

2856 (2) An ~~The~~ association may levy reasonable fines. A fine
2857 may not exceed \$100 per violation against any member or any
2858 member's tenant, guest, or invitee for the failure of the owner
2859 of the parcel or its occupant, licensee, or invitee to comply
2860 with any provision of the declaration, the association bylaws,
2861 or reasonable rules of the association unless otherwise provided
2862 in the governing documents. A fine may be levied by the board
2863 for each day of a continuing violation, with a single notice and
2864 opportunity for hearing, except that the fine may not exceed
2865 \$1,000 in the aggregate unless otherwise provided in the
2866 governing documents. A fine of less than \$1,000 may not become a
2867 lien against a parcel. In any action to recover a fine, the
2868 prevailing party is entitled to reasonable attorney fees and
2869 costs from the nonprevailing party as determined by the court.

2870 (a) An association may suspend, for a reasonable period of
2871 time, the right of a member, or a member's tenant, guest, or
2872 invitee, to use common areas and facilities for the failure of
2873 the owner of the parcel or its occupant, licensee, or invitee to
2874 comply with any provision of the declaration, the association
2875 bylaws, or reasonable rules of the association. This paragraph

2876 | does not apply to that portion of common areas used to provide
2877 | access or utility services to the parcel. A suspension may not
2878 | prohibit an owner or tenant of a parcel from having vehicular
2879 | and pedestrian ingress to and egress from the parcel, including,
2880 | but not limited to, the right to park.

2881 | (b) A fine or suspension levied by the board of
2882 | administration may not be imposed unless the board first
2883 | provides at least 14 days' notice to the parcel owner and, if
2884 | applicable, any occupant, licensee, or invitee of the parcel
2885 | owner, sought to be fined or suspended and an opportunity for a
2886 | hearing before a committee of at least three members appointed
2887 | by the board who are not officers, directors, or employees of
2888 | the association, or the spouse, parent, child, brother, or
2889 | sister of an officer, director, or employee. If the committee,
2890 | by majority vote, does not approve a proposed fine or
2891 | suspension, the proposed fine or suspension may not be imposed.
2892 | The role of the committee is limited to determining whether to
2893 | confirm or reject the fine or suspension levied by the board. If
2894 | the proposed fine or suspension levied by the board is approved
2895 | by the committee, the fine payment is due 5 days after notice of
2896 | the approved fine is provided to the parcel owner and, if
2897 | applicable, to any occupant, licensee, or invitee of the parcel
2898 | owner ~~the date of the committee meeting at which the fine is~~
2899 | ~~approved.~~ The association must provide written notice of such
2900 | fine or suspension by mail or hand delivery to the parcel owner

2901 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
 2902 of the parcel owner.

2903 Section 33. Paragraph (g) of subsection (1) and paragraph
 2904 (c) of subsection (9) of section 720.306, Florida Statutes, are
 2905 amended, and paragraph (h) is added to subsection (1) of that
 2906 section, to read:

2907 720.306 Meetings of members; voting and election
 2908 procedures; amendments.—

2909 (1) QUORUM; AMENDMENTS.—

2910 (g) A notice required under this section must be mailed or
 2911 delivered to the address identified as the parcel owner's
 2912 mailing address in the official records of the association as
 2913 required under s. 720.303(4) ~~on the property appraiser's website~~
 2914 ~~for the county in which the parcel is located~~, or electronically
 2915 transmitted in a manner authorized by the association if the
 2916 parcel owner has consented, in writing, to receive notice by
 2917 electronic transmission.

2918 (h)1. Except as otherwise provided in this paragraph, an
 2919 amendment to any governing document that is enacted after July
 2920 1, 2020, that prohibits a parcel owner from renting the parcel,
 2921 alters the authorized duration of a rental term, or specifies or
 2922 limits the number of times that a parcel owner may rent his or
 2923 her parcel during a specified term, applies only to a parcel
 2924 owner who acquires title to the parcel after the effective date
 2925 of the amendment, or to a parcel owner who consents,

2926 individually or through a representative, to the amendment.

2927 2. Notwithstanding subparagraph 1., an association may
2928 amend its governing documents to prohibit or regulate rentals
2929 for a term of less than 6 months and to prohibit rentals more
2930 than three times in a calendar year, and such amendments shall
2931 apply to all parcel owners.

2932 3. This paragraph does not affect the amendment
2933 restrictions for associations of 15 or fewer parcel owners under
2934 s. 720.303(1).

2935 4. For purposes of this paragraph, a change of ownership
2936 does not occur when a parcel owner conveys the parcel to an
2937 affiliated entity or when beneficial ownership of the parcel
2938 does not change. For purposes of this subparagraph, the term
2939 "affiliated entity" means an entity that controls, is controlled
2940 by, or is under common control with the parcel owner or that
2941 becomes a parent or successor entity by reason of transfer,
2942 merger, consolidation, public offering, reorganization,
2943 dissolution or sale of stock, or transfer of membership
2944 partnership interests. For a conveyance to be recognized as one
2945 made to an affiliated entity, the entity must furnish the
2946 association a document certifying that this paragraph applies,
2947 as well as providing any organizational documents for the parcel
2948 owner and the affiliated entity that support the representations
2949 in the certificate, as requested by the association.

2950 (9) ELECTIONS AND BOARD VACANCIES.—

2951 (c) Any election dispute between a member and an
2952 association must be submitted to ~~mandatory~~ binding arbitration
2953 with the division or filed with a court of competent
2954 jurisdiction. Such proceedings that are submitted to binding
2955 arbitration with the division must be conducted in the manner
2956 provided by s. 718.1255 and the procedural rules adopted by the
2957 division. Unless otherwise provided in the bylaws, any vacancy
2958 occurring on the board before the expiration of a term may be
2959 filled by an affirmative vote of the majority of the remaining
2960 directors, even if the remaining directors constitute less than
2961 a quorum, or by the sole remaining director. In the alternative,
2962 a board may hold an election to fill the vacancy, in which case
2963 the election procedures must conform to the requirements of the
2964 governing documents. Unless otherwise provided in the bylaws, a
2965 board member appointed or elected under this section is
2966 appointed for the unexpired term of the seat being filled.
2967 Filling vacancies created by recall is governed by s.
2968 720.303(10) and rules adopted by the division.

2969 Section 34. Subsection (1) of section 720.311, Florida
2970 Statutes, is amended to read:

2971 720.311 Dispute resolution.—

2972 (1) The Legislature finds that alternative dispute
2973 resolution has made progress in reducing court dockets and
2974 trials and in offering a more efficient, cost-effective option
2975 to litigation. The filing of any petition for arbitration or the

2976 | serving of a demand for presuit mediation as provided for in
2977 | this section shall toll the applicable statute of limitations.
2978 | Any recall dispute filed with the department under ~~pursuant to~~
2979 | s. 720.303(10) shall be conducted by the department in
2980 | accordance with the provisions of ss. 718.112(2)(j) and 718.1255
2981 | and the rules adopted by the division. In addition, the
2982 | department shall conduct ~~mandatory~~ binding arbitration of
2983 | election disputes between a member and an association in
2984 | accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the
2985 | division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are
2986 | not eligible for presuit mediation; these disputes must ~~shall~~ be
2987 | arbitrated by the department or filed in a court of competent
2988 | jurisdiction. At the conclusion of an arbitration ~~the~~
2989 | proceeding, the department shall charge the parties a fee in an
2990 | amount adequate to cover all costs and expenses incurred by the
2991 | department in conducting the proceeding. Initially, the
2992 | petitioner shall remit a filing fee of at least \$200 to the
2993 | department. The fees paid to the department shall become a
2994 | recoverable cost in the arbitration proceeding, and the
2995 | prevailing party in an arbitration proceeding shall recover its
2996 | reasonable costs and attorney ~~attorney's~~ fees in an amount found
2997 | reasonable by the arbitrator. The department shall adopt rules
2998 | to effectuate the purposes of this section.

2999 | Section 35. Subsection (6) is added to section 720.3075,
3000 | Florida Statutes, to read:

3001 720.3075 Prohibited clauses in association documents.—
 3002 (6) The association may extinguish a discriminatory
 3003 restriction, as provided in 712.065.

3004 Section 36. Paragraph (a) of subsection (7) of section
 3005 721.15, Florida Statutes, is amended to read:

3006 721.15 Assessments for common expenses.—

3007 (7) (a) A purchaser, regardless of how her or his timeshare
 3008 estate or timeshare license has been acquired, including a
 3009 purchaser at a judicial sale, is personally liable for all
 3010 assessments for common expenses which come due while the
 3011 purchaser is the owner of such interest. A successor in interest
 3012 is jointly and severally liable with her or his predecessor in
 3013 interest for all unpaid assessments against such predecessor up
 3014 to the time of transfer of the timeshare interest to such
 3015 successor without prejudice to any right a successor in interest
 3016 may have to recover from her or his predecessor in interest any
 3017 amounts assessed against such predecessor and paid by such
 3018 successor. A successor in interest who pays the unpaid
 3019 assessments attributable to her or his predecessor in interest
 3020 is a subordinate lienholder for purposes of satisfying the
 3021 requirements of s. 45.032(3)(b). The predecessor in interest or
 3022 his or her agent, or a person providing resale transfer services
 3023 for the predecessor in interest pursuant to s. 721.17(3) or his
 3024 or her agent, shall deliver to the managing entity a copy of the
 3025 recorded deed of conveyance if the interest is a timeshare

3026 estate or a copy of the instrument of transfer if the interest
3027 is a timeshare license, with the name and mailing address of the
3028 successor in interest within 15 days after the date of transfer,
3029 and after such delivery the successor in interest shall be
3030 listed by the managing entity as the owner of the timeshare
3031 interest on the books and records of the timeshare plan. The
3032 managing entity shall not be liable to any person for any
3033 inaccuracy in the books and records of the timeshare plan
3034 arising from the failure of the predecessor in interest to
3035 timely and correctly notify the managing entity of the name and
3036 mailing address of the successor in interest.

3037 Section 37. Subsection (1) of section 455.219, Florida
3038 Statutes, is amended to read:

3039 455.219 Fees; receipts; disposition; periodic management
3040 reports.—

3041 (1) Each board within the department shall determine by
3042 rule the amount of license fees for its profession, based upon
3043 department-prepared long-range estimates of the revenue required
3044 to implement all provisions of law relating to the regulation of
3045 professions by the department and any board; however, when the
3046 department has determined, based on the long-range estimates of
3047 such revenue, that a profession's trust fund moneys are in
3048 excess of the amount required to cover the necessary functions
3049 of the board, or the department when there is no board, the
3050 department may adopt rules to implement a waiver of license

3051 renewal fees for that profession for a period not to exceed 2
3052 years, as determined by the department. Each board, or the
3053 department when there is no board, shall ensure license fees are
3054 adequate to cover all anticipated costs and to maintain a
3055 reasonable cash balance, as determined by rule of the
3056 department, with advice of the applicable board. If sufficient
3057 action is not taken by a board within 1 year of notification by
3058 the department that license fees are projected to be inadequate,
3059 the department shall set license fees on behalf of the
3060 applicable board to cover anticipated costs and to maintain the
3061 required cash balance. The department shall include recommended
3062 fee cap increases in its annual report to the Legislature.
3063 Further, it is legislative intent that no regulated profession
3064 operate with a negative cash balance. The department may provide
3065 by rule for the advancement of sufficient funds to any
3066 profession or the Florida Athletic State~~Boxing~~ Commission
3067 operating with a negative cash balance. Such advancement may be
3068 for a period not to exceed 2 consecutive years and shall require
3069 interest to be paid by the regulated profession. Interest shall
3070 be calculated at the current rate earned on Professional
3071 Regulation Trust Fund investments. Interest earned shall be
3072 allocated to the various funds in accordance with the allocation
3073 of investment earnings during the period of the advance.

3074 Section 38. Subsection (4) of section 548.002, Florida
3075 Statutes, is amended to read:

3076 548.002 Definitions.—As used in this chapter, the term:

3077 (4) "Commission" means the Florida Athletic ~~State Boxing~~
3078 Commission.

3079 Section 39. Subsections (3) and (4) of section 548.05,
3080 Florida Statutes, are amended to read:

3081 548.05 Control of contracts.—

3082 (3) The commission may require that each contract contain
3083 language authorizing the ~~Florida State Boxing~~ commission to
3084 withhold any or all of any manager's share of a purse in the
3085 event of a contractual dispute as to entitlement to any portion
3086 of a purse. The commission may establish rules governing the
3087 manner of resolution of such dispute. In addition, if the
3088 commission deems it appropriate, the commission is hereby
3089 authorized to implead interested parties over any disputed funds
3090 into the appropriate circuit court for resolution of the dispute
3091 prior to release of all or any part of the funds.

3092 (4) Each contract subject to this section shall contain
3093 the following clause: "This agreement is subject to the
3094 provisions of chapter 548, Florida Statutes, and to the rules of
3095 the Florida Athletic ~~State Boxing~~ Commission and to any future
3096 amendments of either."

3097 Section 40. Subsection (12) of section 548.071, Florida
3098 Statutes, is amended to read:

3099 548.071 Suspension or revocation of license or permit by
3100 commission.—The commission may suspend or revoke a license or

3101 permit if the commission finds that the licensee or permittee:

3102 (12) Has been disciplined by the ~~Florida State Boxing~~
3103 commission or similar agency or body of any jurisdiction.

3104 Section 41. Section 548.077, Florida Statutes, is amended
3105 to read:

3106 548.077 Florida Athletic State ~~Boxing~~ Commission;
3107 collection and disposition of moneys.—All fees, fines,
3108 forfeitures, and other moneys collected under the provisions of
3109 this chapter shall be paid by the commission to the Chief
3110 Financial Officer who, after the expenses of the commission are
3111 paid, shall deposit them in the Professional Regulation Trust
3112 Fund to be used for the administration and operation of the
3113 commission and to enforce the laws and rules under its
3114 jurisdiction. In the event the unexpended balance of such moneys
3115 collected under the provisions of this chapter exceeds \$250,000,
3116 any excess of that amount shall be deposited in the General
3117 Revenue Fund.

3118 Section 42. This act shall take effect July 1, 2020.