

1 A bill to be entitled
2 An act relating to community associations; amending s.
3 627.714, F.S.; prohibiting insurance policies from
4 providing specified rights of subrogation under
5 certain circumstances; amending s. 718.103, F.S.;
6 revising the definition of the terms
7 "multicondominium," "operation," and "operation of the
8 condominium"; amending s. 718.111, F.S.; requiring
9 that certain records be maintained for a specified
10 time; prohibiting an association from requiring
11 certain actions relating to the inspection of records;
12 limiting which records a renter of a unit may inspect
13 and copy; revising requirements relating to the
14 posting of digital copies of certain documents by
15 certain condominium associations; amending s. 718.112,
16 F.S.; authorizing a condominium association to
17 extinguish discriminatory restrictions; revising the
18 calculation used in determining a board member's term
19 limit; providing requirements for certain notices;
20 revising the fees that an association may charge for
21 transfers; deleting a prohibition against employing or
22 contracting with certain service providers; amending
23 s. 718.113, F.S.; revising legislative findings;
24 defining the terms "natural gas fuel" and "natural gas
25 fuel vehicle"; revising requirements for electric

26 | vehicle charging stations; providing requirements for
27 | natural gas fuel stations on property governed by
28 | condominium associations; amending s. 718.117, F.S.;
29 | conforming provisions to changes made by the act;
30 | amending s. 718.121, F.S.; providing that labor and
31 | materials associated with the installation of a
32 | natural gas fuel station may not serve as the basis
33 | for filing a lien against an association but may serve
34 | as the basis for filing a lien against a unit owner;
35 | requiring that notices of intent to record a claim of
36 | lien specify certain dates; amending s. 718.1255,
37 | F.S.; authorizing parties to initiate presuit
38 | mediation under certain circumstances; specifying the
39 | circumstances under which arbitration is binding on
40 | the parties; providing requirements for presuit
41 | mediation; amending s. 718.1265, F.S.; revising the
42 | emergency powers of condominium associations;
43 | prohibiting condominium associations from taking
44 | certain actions during a declared state of emergency;
45 | amending s. 718.202, F.S.; revising the allowable uses
46 | of certain escrow funds withdrawn by developers;
47 | defining the term "actual costs"; amending s. 718.303,
48 | F.S.; revising requirements for certain actions for
49 | failure to comply with specified provisions relating
50 | to condominium associations; revising requirements for

51 certain fines; amending s. 718.405, F.S.; providing
52 clarifying language relating to certain
53 multicondominium declarations; providing
54 applicability; amending s. 718.501, F.S.; conforming
55 provisions to changes made by the act; amending s.
56 718.5014, F.S.; revising a requirement regarding the
57 location of the principal office of the Office of the
58 Condominium Ombudsman; amending s. 719.103, F.S.;
59 revising the definition of the term "unit" to specify
60 that an interest in a cooperative unit is an interest
61 in real property; amending s. 719.104, F.S.;
62 prohibiting an association from requiring certain
63 actions relating to the inspection of records;
64 amending s. 719.106, F.S.; revising provisions
65 relating to a quorum and voting rights for members
66 remotely participating in meetings; revising the
67 procedure to challenge a board member recall;
68 authorizing cooperative associations to extinguish
69 discriminatory restrictions; amending s. 719.128,
70 F.S.; revising emergency powers for cooperative
71 associations; prohibiting cooperative associations
72 from taking certain actions during a declared state of
73 emergency; amending s. 720.301, F.S.; revising the
74 definition of the term "governing documents"; amending
75 s. 720.303, F.S.; authorizing an association to adopt

76 | procedures for electronic meeting notices; revising
77 | the documents that constitute the official records of
78 | an association; revising the types of records that are
79 | not accessible to members or parcel owners; revising
80 | the circumstances under which a specified statement
81 | must be included in an association's financial report;
82 | revising requirements for such statement; revising the
83 | circumstances under which an association is deemed to
84 | have provided for reserve accounts; revising the
85 | procedure to challenge a board member recall; amending
86 | s. 720.305, F.S.; providing requirements for certain
87 | fines levied by a board of administration; amending s.
88 | 720.306, F.S.; revising requirements for providing
89 | certain notices; providing limitations on associations
90 | when a parcel owner attempts to rent or lease his or
91 | her parcel; defining the term "affiliated entity";
92 | revising the procedure for election disputes; amending
93 | s. 720.307, F.S.; revising the circumstances under
94 | which members other than the developer are entitled to
95 | elect members to the board of directors of the
96 | homeowners' association; amending s. 720.3075, F.S.;
97 | authorizing homeowners' associations to extinguish
98 | discriminatory restrictions; amending s. 720.311,
99 | F.S.; revising the dispute resolution requirements for
100 | election disputes and recall disputes; amending s.

101 720.316, F.S.; revising emergency powers of
102 homeowners' associations; prohibiting homeowners'
103 associations from taking certain actions during a
104 declared state of emergency; providing an effective
105 date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Subsection (4) of section 627.714, Florida
110 Statutes, is amended to read:

111 627.714 Residential condominium unit owner coverage; loss
112 assessment coverage required.—

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

122 Section 2. Subsections (20) and (21) of section 718.103,
123 Florida Statutes, are amended to read:

124 718.103 Definitions.—As used in this chapter, the term:
125 (20) "Multicondominium" means real property ~~a real estate~~

126 ~~development~~ containing two or more condominiums, all of which
 127 are operated by the same association.

128 (21) "Operation" or "operation of the condominium"
 129 includes the administration and management of the condominium
 130 property and the association.

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

133 718.111 The association.—

134 (12) OFFICIAL RECORDS.—

135 (a) From the inception of the association, the association
 136 shall maintain each of the following items, if applicable, which
 137 constitutes the official records of the association:

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

140 2. A photocopy of the recorded declaration of condominium
 141 of each condominium operated by the association and each
 142 amendment to each declaration.

143 3. A photocopy of the recorded bylaws of the association
 144 and each amendment to the bylaws.

145 4. A certified copy of the articles of incorporation of
 146 the association, or other documents creating the association,
 147 and each amendment thereto.

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

149 6. A book or books that contain the minutes of all
 150 meetings of the association, the board of administration, and

151 the unit owners.

152 7. A current roster of all unit owners and their mailing
153 addresses, unit identifications, voting certifications, and, if
154 known, telephone numbers. The association shall also maintain
155 the e-mail addresses and facsimile numbers of unit owners
156 consenting to receive notice by electronic transmission. The e-
157 mail addresses and facsimile numbers are not accessible to unit
158 owners if consent to receive notice by electronic transmission
159 is not provided in accordance with sub-subparagraph (c)3.e.
160 However, the association is not liable for an inadvertent
161 disclosure of the e-mail address or facsimile number for
162 receiving electronic transmission of notices.

163 8. All current insurance policies of the association and
164 condominiums operated by the association.

165 9. A current copy of any management agreement, lease, or
166 other contract to which the association is a party or under
167 which the association or the unit owners have an obligation or
168 responsibility.

169 10. Bills of sale or transfer for all property owned by
170 the association.

171 11. Accounting records for the association and separate
172 accounting records for each condominium that the association
173 operates. Any person who knowingly or intentionally defaces or
174 destroys such records, or who knowingly or intentionally fails
175 to create or maintain such records, with the intent of causing

176 | harm to the association or one or more of its members, is
 177 | personally subject to a civil penalty under ~~pursuant to~~ s.
 178 | 718.501(1)(d). The accounting records must include, but are not
 179 | limited to:

180 | a. Accurate, itemized, and detailed records of all
 181 | receipts and expenditures.

182 | b. A current account and a monthly, bimonthly, or
 183 | quarterly statement of the account for each unit designating the
 184 | name of the unit owner, the due date and amount of each
 185 | assessment, the amount paid on the account, and the balance due.

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

188 | d. All contracts for work to be performed. Bids for work
 189 | to be performed are also considered official records and must be
 190 | maintained by the association for at least 1 year after receipt
 191 | of the bid.

192 | 12. Ballots, sign-in sheets, voting proxies, and all other
 193 | papers and electronic records relating to voting by unit owners,
 194 | which must be maintained for 1 year from the date of the
 195 | election, vote, or meeting to which the document relates,
 196 | notwithstanding paragraph (b).

197 | 13. All rental records if the association is acting as
 198 | agent for the rental of condominium units.

199 | 14. A copy of the current question and answer sheet as
 200 | described in s. 718.504.

201 15. ~~All other written records of the association not~~
 202 ~~specifically included in the foregoing which are related to the~~
 203 ~~operation of the association.~~

204 ~~16.~~ A copy of the inspection report as described in s.
 205 718.301(4)(p).

206 16.17. Bids for materials, equipment, or services.

207 17. All other written records of the association not
 208 specified in subparagraphs 1.-16. which are related to the
 209 operation of the association.

210 (b) The official records specified in subparagraphs (a)1.-
 211 6. must be permanently maintained from the inception of the
 212 association. Bids for work to be performed or for materials,
 213 equipment, or services must be maintained for at least 1 year
 214 after receipt of the bid. All other official records must be
 215 maintained within the state for at least 7 years, unless
 216 otherwise provided by general law. The records of the
 217 association shall be made available to a unit owner within 45
 218 miles of the condominium property or within the county in which
 219 the condominium property is located within 10 working days after
 220 receipt of a written request by the board or its designee.
 221 However, such distance requirement does not apply to an
 222 association governing a timeshare condominium. This paragraph
 223 may be complied with by having a copy of the official records of
 224 the association available for inspection or copying on the
 225 condominium property or association property, or the association

226 | may offer the option of making the records available to a unit
227 | owner electronically via the Internet or by allowing the records
228 | to be viewed in electronic format on a computer screen and
229 | printed upon request. The association is not responsible for the
230 | use or misuse of the information provided to an association
231 | member or his or her authorized representative in ~~pursuant to~~
232 | ~~the compliance with requirements of~~ this chapter unless the
233 | association has an affirmative duty not to disclose such
234 | information under ~~pursuant to~~ this chapter.

235 | (c)1. The official records of the association are open to
236 | inspection by any association member or the authorized
237 | representative of such member at all reasonable times. The right
238 | to inspect the records includes the right to make or obtain
239 | copies, at the reasonable expense, if any, of the member or
240 | authorized representative of such member. A renter of a unit has
241 | a right to inspect and copy only the declaration of condominium
242 | and the association's bylaws and rules. The association may
243 | adopt reasonable rules regarding the frequency, time, location,
244 | notice, and manner of record inspections and copying, but may
245 | not require a member to demonstrate any purpose or state any
246 | reason for the inspection. The failure of an association to
247 | provide the records within 10 working days after receipt of a
248 | written request creates a rebuttable presumption that the
249 | association willfully failed to comply with this paragraph. A
250 | unit owner who is denied access to official records is entitled

251 to the actual damages or minimum damages for the association's
252 willful failure to comply. Minimum damages are \$50 per calendar
253 day for up to 10 days, beginning on the 11th working day after
254 receipt of the written request. The failure to permit inspection
255 entitles any person prevailing in an enforcement action to
256 recover reasonable attorney fees from the person in control of
257 the records who, directly or indirectly, knowingly denied access
258 to the records.

259 2. Any person who knowingly or intentionally defaces or
260 destroys accounting records that are required by this chapter to
261 be maintained during the period for which such records are
262 required to be maintained, or who knowingly or intentionally
263 fails to create or maintain accounting records that are required
264 to be created or maintained, with the intent of causing harm to
265 the association or one or more of its members, is personally
266 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

267 3. The association shall maintain an adequate number of
268 copies of the declaration, articles of incorporation, bylaws,
269 and rules, and all amendments to each of the foregoing, as well
270 as the question and answer sheet as described in s. 718.504 and
271 year-end financial information required under this section, on
272 the condominium property to ensure their availability to unit
273 owners and prospective purchasers, and may charge its actual
274 costs for preparing and furnishing these documents to those
275 requesting the documents. An association shall allow a member or

276 his or her authorized representative to use a portable device,
277 including a smartphone, tablet, portable scanner, or any other
278 technology capable of scanning or taking photographs, to make an
279 electronic copy of the official records in lieu of the
280 association's providing the member or his or her authorized
281 representative with a copy of such records. The association may
282 not charge a member or his or her authorized representative for
283 the use of a portable device. Notwithstanding this paragraph,
284 the following records are not accessible to unit owners:

285 a. Any record protected by the lawyer-client privilege as
286 described in s. 90.502 and any record protected by the work-
287 product privilege, including a record prepared by an association
288 attorney or prepared at the attorney's express direction, which
289 reflects a mental impression, conclusion, litigation strategy,
290 or legal theory of the attorney or the association, and which
291 was prepared exclusively for civil or criminal litigation or for
292 adversarial administrative proceedings, or which was prepared in
293 anticipation of such litigation or proceedings until the
294 conclusion of the litigation or proceedings.

295 b. Information obtained by an association in connection
296 with the approval of the lease, sale, or other transfer of a
297 unit.

298 c. Personnel records of association or management company
299 employees, including, but not limited to, disciplinary, payroll,
300 health, and insurance records. For purposes of this sub-

301 subparagraph, the term "personnel records" does not include
302 written employment agreements with an association employee or
303 management company, or budgetary or financial records that
304 indicate the compensation paid to an association employee.

305 d. Medical records of unit owners.

306 e. Social security numbers, driver license numbers, credit
307 card numbers, e-mail addresses, telephone numbers, facsimile
308 numbers, emergency contact information, addresses of a unit
309 owner other than as provided to fulfill the association's notice
310 requirements, and other personal identifying information of any
311 person, excluding the person's name, unit designation, mailing
312 address, property address, and any address, e-mail address, or
313 facsimile number provided to the association to fulfill the
314 association's notice requirements. Notwithstanding the
315 restrictions in this sub-subparagraph, an association may print
316 and distribute to unit ~~parcel~~ owners a directory containing the
317 name, unit ~~parcel~~ address, and all telephone numbers of each
318 unit ~~parcel~~ owner. However, an owner may exclude his or her
319 telephone numbers from the directory by so requesting in writing
320 to the association. An owner may consent in writing to the
321 disclosure of other contact information described in this sub-
322 subparagraph. The association is not liable for the inadvertent
323 disclosure of information that is protected under this sub-
324 subparagraph if the information is included in an official
325 record of the association and is voluntarily provided by an

326 owner and not requested by the association.

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

329 g. The software and operating system used by the
330 association which allow the manipulation of data, even if the
331 owner owns a copy of the same software used by the association.
332 The data is part of the official records of the association.

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

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

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

342 (II) A website, application, or web portal operated by a
343 third-party provider with whom the association owns, leases,
344 rents, or otherwise obtains the right to operate a web page,
345 subpage, web portal, ~~or~~ collection of subpages or web portals,
346 or an application that is dedicated to the association's
347 activities and on which required notices, records, and documents
348 may be posted or made available by the association.

349 b. The association's website or application must be
350 accessible through the Internet and must contain a subpage, web

351 portal, or other protected electronic location that is
352 inaccessible to the general public and accessible only to unit
353 owners and employees of the association.

354 c. Upon a unit owner's written request, the association
355 must provide the unit owner with a username and password and
356 access to the protected sections of the association's website or
357 application that contain any notices, records, or documents that
358 must be electronically provided.

359 2. A current copy of the following documents must be
360 posted in digital format on the association's website or
361 application:

362 a. The recorded declaration of condominium of each
363 condominium operated by the association and each amendment to
364 each declaration.

365 b. The recorded bylaws of the association and each
366 amendment to the bylaws.

367 c. The articles of incorporation of the association, or
368 other documents creating the association, and each amendment to
369 the articles of incorporation or other documents ~~therein~~. The
370 copy posted pursuant to this sub-subparagraph must be a copy of
371 the articles of incorporation filed with the Department of
372 State.

373 d. The rules of the association.

374 e. A list of all executory contracts or documents to which
375 the association is a party or under which the association or the

376 unit owners have an obligation or responsibility and, after
377 bidding for the related materials, equipment, or services has
378 closed, a list of bids received by the association within the
379 past year. Summaries of bids for materials, equipment, or
380 services which exceed \$500 must be maintained on the website or
381 application for 1 year. In lieu of summaries, complete copies of
382 the bids may be posted.

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

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

388 h. The certification of each director required by s.
389 718.112(2)(d)4.b.

390 i. All contracts or transactions between the association
391 and any director, officer, corporation, firm, or association
392 that is not an affiliated condominium association or any other
393 entity in which an association director is also a director or
394 officer and financially interested.

395 j. Any contract or document regarding a conflict of
396 interest or possible conflict of interest as provided in ss.
397 468.436(2)(b)6. and 718.3027(3).

398 k. The notice of any unit owner meeting and the agenda for
399 the meeting, as required by s. 718.112(2)(d)3., no later than 14
400 days before the meeting. The notice must be posted in plain view

401 on the front page of the website or application, or on a
402 separate subpage of the website or application labeled "Notices"
403 which is conspicuously visible and linked from the front page.
404 The association must also post on its website or application any
405 document to be considered and voted on by the owners during the
406 meeting or any document listed on the agenda at least 7 days
407 before the meeting at which the document or the information
408 within the document will be considered.

409 1. Notice of any board meeting, the agenda, and any other
410 document required for the meeting as required by s.
411 718.112(2)(c), which must be posted no later than the date
412 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

413 3. The association shall ensure that the information and
414 records described in paragraph (c), which are not allowed to be
415 accessible to unit owners, are not posted on the association's
416 website or application. If protected information or information
417 restricted from being accessible to unit owners is included in
418 documents that are required to be posted on the association's
419 website or application, the association shall ensure the
420 information is redacted before posting the documents ~~online~~.
421 Notwithstanding the foregoing, the association or its agent is
422 not liable for disclosing information that is protected or
423 restricted under ~~pursuant to~~ this paragraph unless such
424 disclosure was made with a knowing or intentional disregard of
425 the protected or restricted nature of such information.

426 4. The failure of the association to post information
 427 required under subparagraph 2. is not in and of itself
 428 sufficient to invalidate any action or decision of the
 429 association's board or its committees.

430 Section 4. Paragraphs (d), (i), (j), (k), and (p) of
 431 subsection (2) of section 718.112, Florida Statutes, are
 432 amended, and paragraph (c) is added to subsection (1) of that
 433 section, to read:

434 718.112 Bylaws.—

435 (1) GENERALLY.—

436 (c) The association may extinguish a discriminatory
 437 restriction as provided in s. 712.065.

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

441 (d) *Unit owner meetings.*—

442 1. An annual meeting of the unit owners must be held at
 443 the location provided in the association bylaws and, if the
 444 bylaws are silent as to the location, the meeting must be held
 445 within 45 miles of the condominium property. However, such
 446 distance requirement does not apply to an association governing
 447 a timeshare condominium.

448 2. Unless the bylaws provide otherwise, a vacancy on the
 449 board caused by the expiration of a director's term must be
 450 filled by electing a new board member, and the election must be

451 by secret ballot. An election is not required if the number of
452 vacancies equals or exceeds the number of candidates. For
453 purposes of this paragraph, the term "candidate" means an
454 eligible person who has timely submitted the written notice, as
455 described in sub-subparagraph 4.a., of his or her intention to
456 become a candidate. Except in a timeshare or nonresidential
457 condominium, or if the staggered term of a board member does not
458 expire until a later annual meeting, or if all members' terms
459 would otherwise expire but there are no candidates, the terms of
460 all board members expire at the annual meeting, and such members
461 may stand for reelection unless prohibited by the bylaws. Board
462 members may serve terms longer than 1 year if permitted by the
463 bylaws or articles of incorporation. A board member may not
464 serve more than 8 consecutive years unless approved by an
465 affirmative vote of unit owners representing two-thirds of all
466 votes cast in the election or unless there are not enough
467 eligible candidates to fill the vacancies on the board at the
468 time of the vacancy. Only board service that occurs on or after
469 July 1, 2018, may be used when calculating a board member's term
470 limit. If the number of board members whose terms expire at the
471 annual meeting equals or exceeds the number of candidates, the
472 candidates become members of the board effective upon the
473 adjournment of the annual meeting. Unless the bylaws provide
474 otherwise, any remaining vacancies shall be filled by the
475 affirmative vote of the majority of the directors making up the

476 newly constituted board even if the directors constitute less
477 than a quorum or there is only one director. In a residential
478 condominium association of more than 10 units or in a
479 residential condominium association that does not include
480 timeshare units or timeshare interests, co-owners of a unit may
481 not serve as members of the board of directors at the same time
482 unless they own more than one unit or unless there are not
483 enough eligible candidates to fill the vacancies on the board at
484 the time of the vacancy. A unit owner in a residential
485 condominium desiring to be a candidate for board membership must
486 comply with sub-subparagraph 4.a. and must be eligible to be a
487 candidate to serve on the board of directors at the time of the
488 deadline for submitting a notice of intent to run in order to
489 have his or her name listed as a proper candidate on the ballot
490 or to serve on the board. A person who has been suspended or
491 removed by the division under this chapter, or who is delinquent
492 in the payment of any monetary obligation due to the
493 association, is not eligible to be a candidate for board
494 membership and may not be listed on the ballot. A person who has
495 been convicted of any felony in this state or in a United States
496 District or Territorial Court, or who has been convicted of any
497 offense in another jurisdiction which would be considered a
498 felony if committed in this state, is not eligible for board
499 membership unless such felon's civil rights have been restored
500 for at least 5 years as of the date such person seeks election

501 to the board. The validity of an action by the board is not
502 affected if it is later determined that a board member is
503 ineligible for board membership due to having been convicted of
504 a felony. This subparagraph does not limit the term of a member
505 of the board of a nonresidential or timeshare condominium.

506 3. The bylaws must provide the method of calling meetings
507 of unit owners, including annual meetings. Written notice of an
508 annual meeting must include an agenda; ~~it must~~ be mailed, hand
509 delivered, or electronically transmitted to each unit owner at
510 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
511 a conspicuous place on the condominium property or association
512 property at least 14 continuous days before the annual meeting.
513 Written notice of a meeting other than an annual meeting must
514 include an agenda; be mailed, hand delivered, or electronically
515 transmitted to each unit owner; and be posted in a conspicuous
516 place on the condominium property or association property within
517 the timeframe specified in the bylaws. If the bylaws do not
518 specify a timeframe for written notice of a meeting other than
519 an annual meeting, notice must be provided at least 14
520 continuous days before the meeting. Upon notice to the unit
521 owners, the board shall, by duly adopted rule, designate a
522 specific location on the condominium property or association
523 property where all notices of unit owner meetings must be
524 posted. This requirement does not apply if there is no
525 condominium property for posting notices. In lieu of, or in

526 addition to, the physical posting of meeting notices, the
527 association may, by reasonable rule, adopt a procedure for
528 conspicuously posting and repeatedly broadcasting the notice and
529 the agenda on a closed-circuit cable television system serving
530 the condominium association. However, if broadcast notice is
531 used in lieu of a notice posted physically on the condominium
532 property, the notice and agenda must be broadcast at least four
533 times every broadcast hour of each day that a posted notice is
534 otherwise required under this section. If broadcast notice is
535 provided, the notice and agenda must be broadcast in a manner
536 and for a sufficient continuous length of time so as to allow an
537 average reader to observe the notice and read and comprehend the
538 entire content of the notice and the agenda. In addition to any
539 of the authorized means of providing notice of a meeting of the
540 board, the association may, by rule, adopt a procedure for
541 conspicuously posting the meeting notice and the agenda on a
542 website serving the condominium association for at least the
543 minimum period of time for which a notice of a meeting is also
544 required to be physically posted on the condominium property.
545 Any rule adopted shall, in addition to other matters, include a
546 requirement that the association send an electronic notice in
547 the same manner as a notice for a meeting of the members, which
548 must include a hyperlink to the website where the notice is
549 posted, to unit owners whose e-mail addresses are included in
550 the association's official records. Unless a unit owner waives

551 in writing the right to receive notice of the annual meeting,
552 such notice must be hand delivered, mailed, or electronically
553 transmitted to each unit owner. Notice for meetings and notice
554 for all other purposes must be mailed to each unit owner at the
555 address last furnished to the association by the unit owner, or
556 hand delivered to each unit owner. However, if a unit is owned
557 by more than one person, the association must provide notice to
558 the address that the developer identifies for that purpose and
559 thereafter as one or more of the owners of the unit advise the
560 association in writing, or if no address is given or the owners
561 of the unit do not agree, to the address provided on the deed of
562 record. An officer of the association, or the manager or other
563 person providing notice of the association meeting, must provide
564 an affidavit or United States Postal Service certificate of
565 mailing, to be included in the official records of the
566 association affirming that the notice was mailed or hand
567 delivered in accordance with this provision.

568 4. The members of the board of a residential condominium
569 shall be elected by written ballot or voting machine. Proxies
570 may not be used in electing the board in general elections or
571 elections to fill vacancies caused by recall, resignation, or
572 otherwise, unless otherwise provided in this chapter. This
573 subparagraph does not apply to an association governing a
574 timeshare condominium.

575 a. At least 60 days before a scheduled election, the

576 association shall mail, deliver, or electronically transmit, by
577 separate association mailing or included in another association
578 mailing, delivery, or transmission, including regularly
579 published newsletters, to each unit owner entitled to a vote, a
580 first notice of the date of the election. A unit owner or other
581 eligible person desiring to be a candidate for the board must
582 give written notice of his or her intent to be a candidate to
583 the association at least 40 days before a scheduled election.
584 Together with the written notice and agenda as set forth in
585 subparagraph 3., the association shall mail, deliver, or
586 electronically transmit a second notice of the election to all
587 unit owners entitled to vote, together with a ballot that lists
588 all candidates not less than 14 days or more than 34 days before
589 the date of the election. Upon request of a candidate, an
590 information sheet, no larger than 8 1/2 inches by 11 inches,
591 which must be furnished by the candidate at least 35 days before
592 the election, must be included with the mailing, delivery, or
593 transmission of the ballot, with the costs of mailing, delivery,
594 or electronic transmission and copying to be borne by the
595 association. The association is not liable for the contents of
596 the information sheets prepared by the candidates. In order to
597 reduce costs, the association may print or duplicate the
598 information sheets on both sides of the paper. The division
599 shall by rule establish voting procedures consistent with this
600 sub-subparagraph, including rules establishing procedures for

601 giving notice by electronic transmission and rules providing for
602 the secrecy of ballots. Elections shall be decided by a
603 plurality of ballots cast. There is no quorum requirement;
604 however, at least 20 percent of the eligible voters must cast a
605 ballot in order to have a valid election. A unit owner may not
606 authorize any other person to vote his or her ballot, and any
607 ballots improperly cast are invalid. A unit owner who violates
608 this provision may be fined by the association in accordance
609 with s. 718.303. A unit owner who needs assistance in casting
610 the ballot for the reasons stated in s. 101.051 may obtain such
611 assistance. The regular election must occur on the date of the
612 annual meeting. Notwithstanding this sub-subparagraph, an
613 election is not required unless more candidates file notices of
614 intent to run or are nominated than board vacancies exist.

615 b. Within 90 days after being elected or appointed to the
616 board of an association of a residential condominium, each newly
617 elected or appointed director shall certify in writing to the
618 secretary of the association that he or she has read the
619 association's declaration of condominium, articles of
620 incorporation, bylaws, and current written policies; that he or
621 she will work to uphold such documents and policies to the best
622 of his or her ability; and that he or she will faithfully
623 discharge his or her fiduciary responsibility to the
624 association's members. In lieu of this written certification,
625 within 90 days after being elected or appointed to the board,

626 | the newly elected or appointed director may submit a certificate
627 | of having satisfactorily completed the educational curriculum
628 | administered by a division-approved condominium education
629 | provider within 1 year before or 90 days after the date of
630 | election or appointment. The written certification or
631 | educational certificate is valid and does not have to be
632 | resubmitted as long as the director serves on the board without
633 | interruption. A director of an association of a residential
634 | condominium who fails to timely file the written certification
635 | or educational certificate is suspended from service on the
636 | board until he or she complies with this sub-subparagraph. The
637 | board may temporarily fill the vacancy during the period of
638 | suspension. The secretary shall cause the association to retain
639 | a director's written certification or educational certificate
640 | for inspection by the members for 5 years after a director's
641 | election or the duration of the director's uninterrupted tenure,
642 | whichever is longer. Failure to have such written certification
643 | or educational certificate on file does not affect the validity
644 | of any board action.

645 | c. Any challenge to the election process must be commenced
646 | within 60 days after the election results are announced.

647 | 5. Any approval by unit owners called for by this chapter
648 | or the applicable declaration or bylaws, including, but not
649 | limited to, the approval requirement in s. 718.111(8), must be
650 | made at a duly noticed meeting of unit owners and is subject to

651 all requirements of this chapter or the applicable condominium
652 documents relating to unit owner decisionmaking, except that
653 unit owners may take action by written agreement, without
654 meetings, on matters for which action by written agreement
655 without meetings is expressly allowed by the applicable bylaws
656 or declaration or any law that provides for such action.

657 6. Unit owners may waive notice of specific meetings if
658 allowed by the applicable bylaws or declaration or any law.
659 Notice of meetings of the board of administration, unit owner
660 meetings, except unit owner meetings called to recall board
661 members under paragraph (j), and committee meetings may be given
662 by electronic transmission to unit owners who consent to receive
663 notice by electronic transmission. A unit owner who consents to
664 receiving notices by electronic transmission is solely
665 responsible for removing or bypassing filters that block receipt
666 of mass e-mails ~~emails~~ sent to members on behalf of the
667 association in the course of giving electronic notices.

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

672 8. A unit owner may tape record or videotape a meeting of
673 the unit owners subject to reasonable rules adopted by the
674 division.

675 9. Unless otherwise provided in the bylaws, any vacancy

676 | occurring on the board before the expiration of a term may be
677 | filled by the affirmative vote of the majority of the remaining
678 | directors, even if the remaining directors constitute less than
679 | a quorum, or by the sole remaining director. In the alternative,
680 | a board may hold an election to fill the vacancy, in which case
681 | the election procedures must conform to sub-subparagraph 4.a.
682 | unless the association governs 10 units or fewer and has opted
683 | out of the statutory election process, in which case the bylaws
684 | of the association control. Unless otherwise provided in the
685 | bylaws, a board member appointed or elected under this section
686 | shall fill the vacancy for the unexpired term of the seat being
687 | filled. Filling vacancies created by recall is governed by
688 | paragraph (j) and rules adopted by the division.

689 | 10. This chapter does not limit the use of general or
690 | limited proxies, require the use of general or limited proxies,
691 | or require the use of a written ballot or voting machine for any
692 | agenda item or election at any meeting of a timeshare
693 | condominium association or nonresidential condominium
694 | association.

695 |
696 | Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
697 | association of 10 or fewer units may, by affirmative vote of a
698 | majority of the total voting interests, provide for different
699 | voting and election procedures in its bylaws, which may be by a
700 | proxy specifically delineating the different voting and election

701 procedures. The different voting and election procedures may
702 provide for elections to be conducted by limited or general
703 proxy.

704 (i) *Transfer fees.*—An association may not ~~ne~~ charge a fee
705 ~~shall be made by the association or any body thereof in~~
706 connection with the sale, mortgage, lease, sublease, or other
707 transfer of a unit unless the association is required to approve
708 such transfer and a fee for such approval is provided for in the
709 declaration, articles, or bylaws. Any such fee may be preset,
710 but may not ~~in no event may such fee~~ exceed \$150 ~~\$100~~ per
711 applicant. For the purpose of calculating the fee, spouses or a
712 parent or parents and any dependent children ~~other than~~
713 ~~husband/wife or parent/dependent child, which~~ are considered one
714 applicant. However, if the lease or sublease is a renewal of a
715 lease or sublease with the same lessee or sublessee, a charge
716 may not ~~no charge shall~~ be made. Such fees must be adjusted
717 every 5 years in an amount equal to the total of the annual
718 increases occurring in the Consumer Price Index for All Urban
719 Consumers, U.S. City Average, All Items during that 5-year
720 period. The Department of Business and Professional Regulation
721 shall periodically calculate the fees, rounded to the nearest
722 dollar, and publish the amounts, as adjusted, on its website.
723 The foregoing notwithstanding, ~~an association may,~~ if the
724 authority to do so appears in the declaration, articles, or
725 bylaws, an association may require that a prospective lessee

726 place a security deposit, in an amount not to exceed the
727 equivalent of 1 month's rent, into an escrow account maintained
728 by the association. The security deposit shall protect against
729 damages to the common elements or association property. Payment
730 of interest, claims against the deposit, refunds, and disputes
731 under this paragraph shall be handled in the same fashion as
732 provided in part II of chapter 83.

733 (j) *Recall of board members.*—Subject to s. 718.301, any
734 member of the board of administration may be recalled and
735 removed from office with or without cause by the vote or
736 agreement in writing by a majority of all the voting interests.
737 A special meeting of the unit owners to recall a member or
738 members of the board of administration may be called by 10
739 percent of the voting interests giving notice of the meeting as
740 required for a meeting of unit owners, and the notice shall
741 state the purpose of the meeting. Electronic transmission may
742 not be used as a method of giving notice of a meeting called in
743 whole or in part for this purpose.

744 1. If the recall is approved by a majority of all voting
745 interests by a vote at a meeting, the recall will be effective
746 as provided in this paragraph. The board shall duly notice and
747 hold a board meeting within 5 full business days after the
748 adjournment of the unit owner meeting to recall one or more
749 board members. Such member or members shall be recalled
750 effective immediately upon conclusion of the board meeting,

751 provided that the recall is facially valid. A recalled member
752 must turn over to the board, within 10 full business days after
753 the vote, any and all records and property of the association in
754 their possession.

755 2. If the proposed recall is by an agreement in writing by
756 a majority of all voting interests, the agreement in writing or
757 a copy thereof shall be served on the association by certified
758 mail or by personal service in the manner authorized by chapter
759 48 and the Florida Rules of Civil Procedure. The board of
760 administration shall duly notice and hold a meeting of the board
761 within 5 full business days after receipt of the agreement in
762 writing. Such member or members shall be recalled effective
763 immediately upon the conclusion of the board meeting, provided
764 that the recall is facially valid. A recalled member must turn
765 over to the board, within 10 full business days, any and all
766 records and property of the association in their possession.

767 3. If the board fails to duly notice and hold a board
768 meeting within 5 full business days after service of an
769 agreement in writing or within 5 full business days after the
770 adjournment of the unit owner recall meeting, the recall is
771 ~~shall be~~ deemed effective and the board members so recalled
772 shall turn over to the board within 10 full business days after
773 the vote any and all records and property of the association.

774 4. If the board fails to duly notice and hold the required
775 meeting or at the conclusion of the meeting determines that the

776 recall is not facially valid, the unit owner representative may
777 file a petition or court action under ~~pursuant to~~ s. 718.1255
778 challenging the board's failure to act or challenging the
779 board's determination on facial validity. The petition or action
780 must be filed within 60 days after the expiration of the
781 applicable 5-full-business-day period. The review of a petition
782 or action under this subparagraph is limited to the sufficiency
783 of service on the board and the facial validity of the written
784 agreement or ballots filed.

785 5. If a vacancy occurs on the board as a result of a
786 recall or removal and less than a majority of the board members
787 are removed, the vacancy may be filled by the affirmative vote
788 of a majority of the remaining directors, notwithstanding any
789 provision to the contrary contained in this subsection. If
790 vacancies occur on the board as a result of a recall and a
791 majority or more of the board members are removed, the vacancies
792 shall be filled in accordance with procedural rules to be
793 adopted by the division, which rules need not be consistent with
794 this subsection. The rules must provide procedures governing the
795 conduct of the recall election as well as the operation of the
796 association during the period after a recall but before the
797 recall election.

798 6. A board member who has been recalled may file a
799 petition or court action under ~~pursuant to~~ s. 718.1255
800 challenging the validity of the recall. The petition or action

801 must be filed within 60 days after the recall. The association
802 and the unit owner representative shall be named as the
803 respondents. The petition or action may challenge the facial
804 validity of the written agreement or ballots filed or the
805 substantial compliance with the procedural requirements for the
806 recall. If the arbitrator or court determines the recall was
807 invalid, the petitioning board member shall immediately be
808 reinstated and the recall is null and void. A board member who
809 is successful in challenging a recall is entitled to recover
810 reasonable attorney fees and costs from the respondents. The
811 arbitrator or court may award reasonable attorney fees and costs
812 to the respondents if they prevail, if the arbitrator or court
813 makes a finding that the petitioner's claim is frivolous.

814 7. The division or a court of competent jurisdiction may
815 not accept for filing a recall petition or court action, whether
816 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,
817 subparagraph 4., or subparagraph 6., when there are 60 or fewer
818 days until the scheduled reelection of the board member sought
819 to be recalled or when 60 or fewer days have elapsed since the
820 election of the board member sought to be recalled.

821 (k) Alternative dispute resolution ~~Arbitration~~.—There must
822 ~~shall~~ be a provision for alternative dispute resolution
823 ~~mandatory nonbinding arbitration~~ as provided for in s. 718.1255
824 for any residential condominium.

825 ~~(p) Service providers; conflicts of interest.—An~~

826 ~~association, which is not a timeshare condominium association,~~
827 ~~may not employ or contract with any service provider that is~~
828 ~~owned or operated by a board member or with any person who has a~~
829 ~~financial relationship with a board member or officer, or a~~
830 ~~relative within the third degree of consanguinity by blood or~~
831 ~~marriage of a board member or officer. This paragraph does not~~
832 ~~apply to a service provider in which a board member or officer,~~
833 ~~or a relative within the third degree of consanguinity by blood~~
834 ~~or marriage of a board member or officer, owns less than 1~~
835 ~~percent of the equity shares.~~

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

838 718.113 Maintenance; limitation upon improvement; display
839 of flag; hurricane shutters and protection; display of religious
840 decorations.-

841 (8) The Legislature finds that the use of electric and
842 natural gas fuel vehicles conserves and protects the state's
843 environmental resources, provides significant economic savings
844 to drivers, and serves an important public interest. The
845 participation of condominium associations is essential to the
846 state's efforts to conserve and protect the state's
847 environmental resources and provide economic savings to drivers.
848 For purposes of this subsection, the term "natural gas fuel" has
849 the same meaning as in s. 206.9951, and the term "natural gas
850 fuel vehicle" means any motor vehicle, as defined in s. 320.01,

851 that is powered by natural gas fuel. Therefore, the installation
852 of an electric vehicle charging station or a natural gas fuel
853 station shall be governed as follows:

854 (a) A declaration of condominium or restrictive covenant
855 may not prohibit or be enforced so as to prohibit any unit owner
856 from installing an electric vehicle charging station or a
857 natural gas fuel station within the boundaries of the unit
858 owner's limited common element or exclusively designated parking
859 area. The board of administration of a condominium association
860 may not prohibit a unit owner from installing an electric
861 vehicle charging station for an electric vehicle, as defined in
862 s. 320.01, or a natural gas fuel station for a natural gas fuel
863 vehicle within the boundaries of his or her limited common
864 element or exclusively designated parking area. The installation
865 of such charging or fuel stations are subject to the provisions
866 of this subsection.

867 (b) The installation may not cause irreparable damage to
868 the condominium property.

869 (c) The electricity for the electric vehicle charging
870 station or natural gas fuel station must be separately metered
871 or metered by an embedded meter and payable by the unit owner
872 installing such charging or fuel station or by his or her
873 successor.

874 (d) The cost for supply and storage of the natural gas
875 fuel must be paid by the unit owner installing the natural gas

876 fuel station or by his or her successor.

877 (e)~~(d)~~ The unit owner who is installing an electric
 878 vehicle charging station or a natural gas fuel station is
 879 responsible for the costs of installation, operation,
 880 maintenance, and repair, including, but not limited to, hazard
 881 and liability insurance. The association may enforce payment of
 882 such costs under ~~pursuant to~~ s. 718.116.

883 (f)~~(e)~~ If the unit owner or his or her successor decides
 884 there is no longer a need for the electric ~~electronic~~ vehicle
 885 charging station or natural gas fuel station, such person is
 886 responsible for the cost of removal of such ~~the electronic~~
 887 ~~vehicle~~ charging or fuel station. The association may enforce
 888 payment of such costs under ~~pursuant to~~ s. 718.116.

889 (g) The unit owner installing, maintaining, or removing
 890 the electric vehicle charging station or natural gas fuel
 891 station is responsible for complying with all federal, state, or
 892 local laws and regulations applicable to such installation,
 893 maintenance, or removal.

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

895 1. Comply with bona fide safety requirements, consistent
 896 with applicable building codes or recognized safety standards,
 897 for the protection of persons and property.

898 2. Comply with reasonable architectural standards adopted
 899 by the association that govern the dimensions, placement, or
 900 external appearance of the electric vehicle charging station or

901 natural gas fuel station, provided that such standards may not
902 prohibit the installation of such charging or fuel station or
903 substantially increase the cost thereof.

904 3. Engage the services of a licensed and registered firm
905 ~~electrical contractor or engineer~~ familiar with the installation
906 or removal and core requirements of an electric vehicle charging
907 station or a natural gas fuel station.

908 4. Provide a certificate of insurance naming the
909 association as an additional insured on the owner's insurance
910 policy for any claim related to the installation, maintenance,
911 or use of the electric vehicle charging station or natural gas
912 fuel station within 14 days after receiving the association's
913 approval to install such charging or fuel station or notice to
914 provide such a certificate.

915 5. Reimburse the association for the actual cost of any
916 increased insurance premium amount attributable to the electric
917 vehicle charging station or natural gas fuel station within 14
918 days after receiving the association's insurance premium
919 invoice.

920 (i) ~~(g)~~ The association provides an implied easement across
921 the common elements of the condominium property to the unit
922 owner for purposes of ~~the installation of the~~ electric vehicle
923 charging station or natural gas fuel station installation, and
924 the furnishing of electrical power or natural gas fuel supply,
925 including any necessary equipment, to such charging or fuel

926 station, subject to the requirements of this subsection.

927 Section 6. Subsection (16) of section 718.117, Florida
 928 Statutes, is amended to read:

929 718.117 Termination of condominium.—

930 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest
 931 a plan of termination by initiating a petition in accordance
 932 with ~~for mandatory nonbinding arbitration pursuant to s.~~
 933 718.1255 within 90 days after the date the plan is recorded. A
 934 unit owner or lienor may only contest the fairness and
 935 reasonableness of the apportionment of the proceeds from the
 936 sale among the unit owners, that the liens of the first
 937 mortgages of unit owners other than the bulk owner have not or
 938 will not be satisfied to the extent required by subsection (3),
 939 or that the required vote to approve the plan was not obtained.
 940 A unit owner or lienor who does not contest the plan within the
 941 90-day period is barred from asserting or prosecuting a claim
 942 against the association, the termination trustee, any unit
 943 owner, or any successor in interest to the condominium property.
 944 In an action contesting a plan of termination, the person
 945 contesting the plan has the burden of pleading and proving that
 946 the apportionment of the proceeds from the sale among the unit
 947 owners was not fair and reasonable or that the required vote was
 948 not obtained. The apportionment of sale proceeds is presumed
 949 fair and reasonable if it was determined pursuant to the methods
 950 prescribed in subsection (12). If the petition is filed with the

951 division for arbitration, the arbitrator shall determine the
952 rights and interests of the parties in the apportionment of the
953 sale proceeds. If the arbitrator determines that the
954 apportionment of sales proceeds is not fair and reasonable, the
955 arbitrator may void the plan or may modify the plan to apportion
956 the proceeds in a fair and reasonable manner pursuant to this
957 section based upon the proceedings and order the modified plan
958 of termination to be implemented. If the arbitrator determines
959 that the plan was not properly approved, or that the procedures
960 to adopt the plan were not properly followed, the arbitrator may
961 void the plan or grant other relief it deems just and proper.
962 The arbitrator shall automatically void the plan upon a finding
963 that any of the disclosures required in subparagraph (3)(c)5.
964 are omitted, misleading, incomplete, or inaccurate. Any
965 challenge to a plan, other than a challenge that the required
966 vote was not obtained, does not affect title to the condominium
967 property or the vesting of the condominium property in the
968 trustee, but shall only be a claim against the proceeds of the
969 plan. In any such action, the prevailing party shall recover
970 reasonable attorney fees and costs.

971 Section 7. Subsections (2) and (4) of section 718.121,
972 Florida Statutes, are amended to read:

973 718.121 Liens.—

974 (2) Labor performed on or materials furnished to a unit
975 may ~~shall~~ not be the basis for the filing of a lien under

976 ~~pursuant to~~ part I of chapter 713, the Construction Lien Law,
977 against the unit or condominium parcel of any unit owner not
978 expressly consenting to or requesting the labor or materials.
979 Labor performed on or materials furnished for the installation
980 of a natural gas fuel station or an electric ~~electronic~~ vehicle
981 charging station under ~~pursuant to~~ s. 718.113(8) may not be the
982 basis for filing a lien under part I of chapter 713 against the
983 association, but such a lien may be filed against the unit
984 owner. Labor performed on or materials furnished to the common
985 elements are not the basis for a lien on the common elements,
986 but if authorized by the association, the labor or materials are
987 deemed to be performed or furnished with the express consent of
988 each unit owner and may be the basis for the filing of a lien
989 against all condominium parcels in the proportions for which the
990 owners are liable for common expenses.

991 (4) Except as otherwise provided in this chapter, no lien
992 may be filed by the association against a condominium unit until
993 30 days after the date on which a notice of intent to file a
994 lien has been delivered to the owner by registered or certified
995 mail, return receipt requested, and by first-class United States
996 mail to the owner at his or her last address as reflected in the
997 records of the association, if the address is within the United
998 States, and delivered to the owner at the address of the unit if
999 the owner's address as reflected in the records of the
1000 association is not the unit address. If the address reflected in

1001 the records is outside the United States, sending the notice to
 1002 that address and to the unit address by first-class United
 1003 States mail is sufficient. ~~Delivery of the Notice is shall be~~
 1004 deemed to have been delivered ~~given~~ upon mailing as required by
 1005 this subsection, provided that it is. ~~The notice must be in~~
 1006 substantially the following form:

1007
 1008 NOTICE OF INTENT
 1009 TO RECORD A CLAIM OF LIEN
 1010

1011 RE: Unit of ...(name of association)...

1012
 1013 The following amounts are currently due on your
 1014 account to ...(name of association)..., and must be
 1015 paid within 30 days after your receipt of this letter.
 1016 This letter shall serve as the association's notice of
 1017 intent to record a Claim of Lien against your property
 1018 no sooner than 30 days after your receipt of this
 1019 letter, unless you pay in full the amounts set forth
 1020 below:

1021		
1022	Maintenance due ...(dates)...	\$.....
1023	Late fee, if applicable	\$.....
1024	Interest through ...(dates)*	\$.....
1025	Certified mail charges <u>...(dates)...</u>	\$.....

1026 Other costs \$.....
 1027 TOTAL OUTSTANDING \$.....
 1028

1029 *Interest accrues at the rate of percent per annum.

1030 Section 8. Section 718.1255, Florida Statutes, is amended
 1031 to read:

1032 718.1255 Alternative dispute resolution; ~~voluntary~~
 1033 mediation; ~~mandatory~~ nonbinding arbitration; legislative
 1034 findings.—

1035 (1) DEFINITIONS.—As used in this section, the term
 1036 "dispute" means any disagreement between two or more parties
 1037 that involves:

1038 (a) The authority of the board of directors, under this
 1039 chapter or association document, to:

1040 1. Require any owner to take any action, or not to take
 1041 any action, involving that owner's unit or the appurtenances
 1042 thereto.

1043 2. Alter or add to a common area or element.

1044 (b) The failure of a governing body, when required by this
 1045 chapter or an association document, to:

1046 1. Properly conduct elections.

1047 2. Give adequate notice of meetings or other actions.

1048 3. Properly conduct meetings.

1049 4. Allow inspection of books and records.

1050 (c) A plan of termination pursuant to s. 718.117.

1051
 1052 "Dispute" does not include any disagreement that primarily
 1053 involves: title to any unit or common element; the
 1054 interpretation or enforcement of any warranty; the levy of a fee
 1055 or assessment, or the collection of an assessment levied against
 1056 a party; the eviction or other removal of a tenant from a unit;
 1057 alleged breaches of fiduciary duty by one or more directors; or
 1058 claims for damages to a unit based upon the alleged failure of
 1059 the association to maintain the common elements or condominium
 1060 property.

1061 (2) ~~VOLUNTARY MEDIATION.~~ Voluntary Mediation through
 1062 Citizen Dispute Settlement Centers as provided for in s. 44.201
 1063 is encouraged.

1064 (3) LEGISLATIVE FINDINGS.—

1065 (a) The Legislature finds that unit owners are frequently
 1066 at a disadvantage when litigating against an association.
 1067 Specifically, a condominium association, with its statutory
 1068 assessment authority, is often more able to bear the costs and
 1069 expenses of litigation than the unit owner who must rely on his
 1070 or her own financial resources to satisfy the costs of
 1071 litigation against the association.

1072 (b) The Legislature finds that alternative dispute
 1073 resolution has been making progress in reducing court dockets
 1074 and trials and in offering a more efficient, cost-effective
 1075 option to court litigation. However, the Legislature also finds

1076 that alternative dispute resolution should not be used as a
 1077 mechanism to encourage the filing of frivolous or nuisance
 1078 suits.

1079 (c) There exists a need to develop a flexible means of
 1080 alternative dispute resolution that directs disputes to the most
 1081 efficient means of resolution.

1082 (d) The high cost and significant delay of circuit court
 1083 litigation faced by unit owners in the state can be alleviated
 1084 by requiring nonbinding arbitration and mediation in appropriate
 1085 cases, thereby reducing delay and attorney ~~attorney's~~ fees while
 1086 preserving the right of either party to have its case heard by a
 1087 jury, if applicable, in a court of law.

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

1101 disputes involving condominiums in this state during the 3 years
 1102 immediately preceding the date of application, mediated or
 1103 arbitrated at least 30 disputes in any subject area in this
 1104 state during the 3 years immediately preceding the date of
 1105 application, or attained board certification in real estate law
 1106 or condominium and planned development law from The Florida Bar.
 1107 Arbitrator certification is valid for 1 year. An arbitrator who
 1108 does not maintain the minimum qualifications for initial
 1109 certification may not have his or her certification renewed. The
 1110 department may not enter into a legal services contract for an
 1111 arbitration hearing under this chapter with an attorney who is
 1112 not a certified arbitrator unless a certified arbitrator is not
 1113 available within 50 miles of the dispute. The department shall
 1114 adopt rules of procedure to govern such arbitration hearings
 1115 including mediation incident thereto. The decision of an
 1116 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not
 1117 ~~be~~ deemed final agency action. Nothing in this provision shall
 1118 be construed to foreclose parties from proceeding in a trial de
 1119 novo unless the parties have agreed that the arbitration is
 1120 binding. If judicial proceedings are initiated, the final
 1121 decision of the arbitrator is ~~shall be~~ admissible in evidence in
 1122 the trial de novo.

1123 (a) Before ~~Prior to~~ the institution of court litigation, a
 1124 party to a dispute, other than an election or recall dispute,
 1125 shall either petition the division for nonbinding arbitration or

1126 initiate presuit mediation as provided in subsection (5).
1127 Arbitration is binding on the parties if all parties in
1128 arbitration agree to be bound in a writing filed in arbitration.

1129 The petition must be accompanied by a filing fee in the amount
1130 of \$50. Filing fees collected under this section must be used to
1131 defray the expenses of the alternative dispute resolution
1132 program.

1133 (b) The petition must recite, and have attached thereto,
1134 supporting proof that the petitioner gave the respondents:

1135 1. Advance written notice of the specific nature of the
1136 dispute;

1137 2. A demand for relief, and a reasonable opportunity to
1138 comply or to provide the relief; and

1139 3. Notice of the intention to file an arbitration petition
1140 or other legal action in the absence of a resolution of the
1141 dispute.

1142
1143 Failure to include the allegations or proof of compliance with
1144 these prerequisites requires dismissal of the petition without
1145 prejudice.

1146 (c) Upon receipt, the petition shall be promptly reviewed
1147 by the division to determine the existence of a dispute and
1148 compliance with the requirements of paragraphs (a) and (b). If
1149 emergency relief is required and is not available through
1150 arbitration, a motion to stay the arbitration may be filed. The

1151 motion must be accompanied by a verified petition alleging facts
1152 that, if proven, would support entry of a temporary injunction,
1153 and if an appropriate motion and supporting papers are filed,
1154 the division may abate the arbitration pending a court hearing
1155 and disposition of a motion for temporary injunction.

1156 (d) Upon determination by the division that a dispute
1157 exists and that the petition substantially meets the
1158 requirements of paragraphs (a) and (b) and any other applicable
1159 rules, the division shall assign or enter into a contract with
1160 an arbitrator and serve a copy of the petition upon all
1161 respondents. The arbitrator shall conduct a hearing within 30
1162 days after being assigned or entering into a contract unless the
1163 petition is withdrawn or a continuance is granted for good cause
1164 shown.

1165 (e) Before or after the filing of the respondents' answer
1166 to the petition, any party may request that the arbitrator refer
1167 the case to mediation under this section and any rules adopted
1168 by the division. Upon receipt of a request for mediation, the
1169 division shall promptly contact the parties to determine if
1170 there is agreement that mediation would be appropriate. If all
1171 parties agree, the dispute must be referred to mediation.
1172 Notwithstanding a lack of an agreement by all parties, the
1173 arbitrator may refer a dispute to mediation at any time.

1174 (f) Upon referral of a case to mediation, the parties must
1175 select a mutually acceptable mediator. To assist in the

1176 selection, the arbitrator shall provide the parties with a list
1177 of both volunteer and paid mediators that have been certified by
1178 the division under s. 718.501. If the parties are unable to
1179 agree on a mediator within the time allowed by the arbitrator,
1180 the arbitrator shall appoint a mediator from the list of
1181 certified mediators. If a case is referred to mediation, the
1182 parties shall attend a mediation conference, as scheduled by the
1183 parties and the mediator. If any party fails to attend a duly
1184 noticed mediation conference, without the permission or approval
1185 of the arbitrator or mediator, the arbitrator must impose
1186 sanctions against the party, including the striking of any
1187 pleadings filed, the entry of an order of dismissal or default
1188 if appropriate, and the award of costs and attorney fees
1189 incurred by the other parties. Unless otherwise agreed to by the
1190 parties or as provided by order of the arbitrator, a party is
1191 deemed to have appeared at a mediation conference by the
1192 physical presence of the party or its representative having full
1193 authority to settle without further consultation, provided that
1194 an association may comply by having one or more representatives
1195 present with full authority to negotiate a settlement and
1196 recommend that the board of administration ratify and approve
1197 such a settlement within 5 days from the date of the mediation
1198 conference. The parties shall share equally the expense of
1199 mediation, unless they agree otherwise.

1200 (g) The purpose of mediation as provided for by this

1201 section is to present the parties with an opportunity to resolve
1202 the underlying dispute in good faith, and with a minimum
1203 expenditure of time and resources.

1204 (h) Mediation proceedings must generally be conducted in
1205 accordance with the Florida Rules of Civil Procedure, and these
1206 proceedings are privileged and confidential to the same extent
1207 as court-ordered mediation. Persons who are not parties to the
1208 dispute are not allowed to attend the mediation conference
1209 without the consent of all parties, with the exception of
1210 counsel for the parties and corporate representatives designated
1211 to appear for a party. If the mediator declares an impasse after
1212 a mediation conference has been held, the arbitration proceeding
1213 terminates, unless all parties agree in writing to continue the
1214 arbitration proceeding, in which case the arbitrator's decision
1215 shall be binding or nonbinding, as agreed upon by the parties;
1216 in the arbitration proceeding, the arbitrator shall not consider
1217 any evidence relating to the unsuccessful mediation except in a
1218 proceeding to impose sanctions for failure to appear at the
1219 mediation conference. If the parties do not agree to continue
1220 arbitration, the arbitrator shall enter an order of dismissal,
1221 and either party may institute a suit in a court of competent
1222 jurisdiction. The parties may seek to recover any costs and
1223 attorney fees incurred in connection with arbitration and
1224 mediation proceedings under this section as part of the costs
1225 and fees that may be recovered by the prevailing party in any

1226 subsequent litigation.

1227 (i) Arbitration shall be conducted according to rules
1228 adopted by the division. The filing of a petition for
1229 arbitration shall toll the applicable statute of limitations.

1230 (j) At the request of any party to the arbitration, the
1231 arbitrator shall issue subpoenas for the attendance of witnesses
1232 and the production of books, records, documents, and other
1233 evidence and any party on whose behalf a subpoena is issued may
1234 apply to the court for orders compelling such attendance and
1235 production. Subpoenas shall be served and shall be enforceable
1236 in the manner provided by the Florida Rules of Civil Procedure.
1237 Discovery may, in the discretion of the arbitrator, be permitted
1238 in the manner provided by the Florida Rules of Civil Procedure.
1239 Rules adopted by the division may authorize any reasonable
1240 sanctions except contempt for a violation of the arbitration
1241 procedural rules of the division or for the failure of a party
1242 to comply with a reasonable nonfinal order issued by an
1243 arbitrator which is not under judicial review.

1244 (k) The arbitration decision shall be rendered within 30
1245 days after the hearing and presented to the parties in writing.
1246 An arbitration decision is final in those disputes in which the
1247 parties have agreed to be bound. An arbitration decision is also
1248 final if a complaint for a trial de novo is not filed in a court
1249 of competent jurisdiction in which the condominium is located
1250 within 30 days. The right to file for a trial de novo entitles

1251 the parties to file a complaint in the appropriate trial court
1252 for a judicial resolution of the dispute. The prevailing party
1253 in an arbitration proceeding shall be awarded the costs of the
1254 arbitration and reasonable attorney fees in an amount determined
1255 by the arbitrator. Such an award shall include the costs and
1256 reasonable attorney fees incurred in the arbitration proceeding
1257 as well as the costs and reasonable attorney fees incurred in
1258 preparing for and attending any scheduled mediation. An
1259 arbitrator's failure to render a written decision within 30 days
1260 after the hearing may result in the cancellation of his or her
1261 arbitration certification.

1262 (l) The party who files a complaint for a trial de novo
1263 shall be assessed the other party's arbitration costs, court
1264 costs, and other reasonable costs, including attorney fees,
1265 investigation expenses, and expenses for expert or other
1266 testimony or evidence incurred after the arbitration hearing if
1267 the judgment upon the trial de novo is not more favorable than
1268 the arbitration decision. If the judgment is more favorable, the
1269 party who filed a complaint for trial de novo shall be awarded
1270 reasonable court costs and attorney fees.

1271 (m) Any party to an arbitration proceeding may enforce an
1272 arbitration award by filing a petition in a court of competent
1273 jurisdiction in which the condominium is located. A petition may
1274 not be granted unless the time for appeal by the filing of a
1275 complaint for trial de novo has expired. If a complaint for a

1276 trial de novo has been filed, a petition may not be granted with
1277 respect to an arbitration award that has been stayed. If the
1278 petition for enforcement is granted, the petitioner shall
1279 recover reasonable attorney fees and costs incurred in enforcing
1280 the arbitration award. A mediation settlement may also be
1281 enforced through the county or circuit court, as applicable, and
1282 any costs and fees incurred in the enforcement of a settlement
1283 agreement reached at mediation must be awarded to the prevailing
1284 party in any enforcement action.

1285 (5) PRESUIT MEDIATION.—In lieu of the initiation of
1286 nonbinding arbitration as provided in subsections (1)-(4), a
1287 party may submit a dispute to presuit mediation in accordance
1288 with s. 720.311; however, election and recall disputes are not
1289 eligible for mediation and such disputes must be arbitrated by
1290 the division or filed in a court of competent jurisdiction.

1291 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every
1292 arbitration petition received by the division and required to be
1293 filed under this section challenging the legality of the
1294 election of any director of the board of administration must be
1295 handled on an expedited basis in the manner provided by the
1296 division's rules for recall arbitration disputes.

1297 (7)~~(6)~~ APPLICABILITY.—This section does not apply to a
1298 nonresidential condominium unless otherwise specifically
1299 provided for in the declaration of the nonresidential
1300 condominium.

1301 Section 9. Section 718.1265, Florida Statutes, is amended
 1302 to read:

1303 718.1265 Association emergency powers.—

1304 (1) To the extent allowed by law, ~~and~~ unless specifically
 1305 prohibited by the declaration of condominium, the articles, or
 1306 the bylaws of an association, and consistent with ~~the provisions~~
 1307 ~~of~~ s. 617.0830, the board of administration, in response to
 1308 damage or injury caused by or anticipated in connection with an
 1309 emergency, as defined in s. 252.34(4), ~~event~~ for which a state
 1310 of emergency is declared pursuant to s. 252.36 in the locale in
 1311 which the condominium is located, ~~may, but is not required to,~~
 1312 exercise the following powers:

1313 (a) Conduct board meetings, committee meetings, elections,
 1314 and membership meetings, in whole or in part, by telephone,
 1315 real-time videoconferencing, or similar real-time electronic or
 1316 video communication with notice given as is practicable. Such
 1317 notice may be given in any practicable manner, including
 1318 publication, radio, United States mail, the Internet, electronic
 1319 transmission, public service announcements, and conspicuous
 1320 posting on the condominium property or association property or
 1321 any other means the board deems reasonable under the
 1322 circumstances. Notice of ~~board~~ decisions also may be
 1323 communicated as provided in this paragraph.

1324 (b) Cancel and reschedule any association meeting.

1325 (c) Name as assistant officers persons who are not

1326 | directors, which assistant officers shall have the same
 1327 | authority as the executive officers to whom they are assistants
 1328 | during the state of emergency to accommodate the incapacity or
 1329 | unavailability of any officer of the association.

1330 | (d) Relocate the association's principal office or
 1331 | designate alternative principal offices.

1332 | (e) Enter into agreements with local counties and
 1333 | municipalities to assist counties and municipalities with debris
 1334 | removal.

1335 | (f) Implement a disaster plan or an emergency plan before,
 1336 | during, or ~~immediately~~ following the event for which a state of
 1337 | emergency is declared which may include, but is not limited to,
 1338 | shutting down or off elevators; electricity; water, sewer, or
 1339 | security systems; or air conditioners.

1340 | (g) Based upon advice of emergency management officials or
 1341 | public health officials, or upon the advice of licensed
 1342 | professionals retained by or otherwise available to the board,
 1343 | determine any portion of the condominium property or association
 1344 | property unavailable for entry or occupancy by unit owners,
 1345 | family members, tenants, guests, agents, or invitees to protect
 1346 | the health, safety, or welfare of such persons.

1347 | (h) Require the evacuation of the condominium property in
 1348 | the event of a mandatory evacuation order in the locale in which
 1349 | the condominium is located. Should any unit owner or other
 1350 | occupant of a condominium fail or refuse to evacuate the

1351 condominium property or association property where the board has
1352 required evacuation, the association shall be immune from
1353 liability or injury to persons or property arising from such
1354 failure or refusal.

1355 (i) Based upon advice of emergency management officials or
1356 public health officials, or upon the advice of licensed
1357 professionals retained by or otherwise available to the board,
1358 determine whether the condominium property, association
1359 property, or any portion thereof can be safely inhabited,
1360 accessed, or occupied. However, such determination is not
1361 conclusive as to any determination of habitability pursuant to
1362 the declaration.

1363 (j) Mitigate further damage, injury, or contagion,
1364 including taking action to contract for the removal of debris
1365 and to prevent or mitigate the spread of fungus or contagion,
1366 including, but not limited to, mold or mildew, by removing and
1367 disposing of wet drywall, insulation, carpet, cabinetry, or
1368 other fixtures on or within the condominium property, even if
1369 the unit owner is obligated by the declaration or law to insure
1370 or replace those fixtures and to remove personal property from a
1371 unit.

1372 (k) Contract, on behalf of any unit owner or owners, for
1373 items or services for which the owners are otherwise
1374 individually responsible, but which are necessary to prevent
1375 further injury, contagion, or damage to the condominium property

1376 or association property. In such event, the unit owner or owners
 1377 on whose behalf the board has contracted are responsible for
 1378 reimbursing the association for the actual costs of the items or
 1379 services, and the association may use its lien authority
 1380 provided by s. 718.116 to enforce collection of the charges.
 1381 Without limitation, such items or services may include the
 1382 drying of units, the boarding of broken windows or doors, ~~and~~
 1383 the replacement of damaged air conditioners or air handlers to
 1384 provide climate control in the units or other portions of the
 1385 property, and the sanitizing of the condominium property or
 1386 association property, as applicable.

1387 (1) Regardless of any provision to the contrary and even
 1388 if such authority does not specifically appear in the
 1389 declaration of condominium, articles, or bylaws of the
 1390 association, levy special assessments without a vote of the
 1391 owners.

1392 (m) Without unit owners' approval, borrow money and pledge
 1393 association assets as collateral to fund emergency repairs and
 1394 carry out the duties of the association when operating funds are
 1395 insufficient. This paragraph does not limit the general
 1396 authority of the association to borrow money, subject to such
 1397 restrictions as are contained in the declaration of condominium,
 1398 articles, or bylaws of the association.

1399 (2) The special powers authorized under subsection (1)
 1400 shall be limited to that time reasonably necessary to protect

1401 the health, safety, and welfare of the association and the unit
 1402 owners and the unit owners' family members, tenants, guests,
 1403 agents, or invitees and shall be reasonably necessary to
 1404 mitigate further damage, injury, or contagion and make emergency
 1405 repairs.

1406 (3) Notwithstanding paragraphs (1)(f)-(i), during a state
 1407 of emergency declared by executive order or proclamation of the
 1408 Governor pursuant to s. 252.36, an association may not prohibit
 1409 unit owners, tenants, guests, agents, or invitees of a unit
 1410 owner from accessing the unit and the common elements and
 1411 limited common elements appurtenant thereto for the purposes of
 1412 ingress to and egress from the unit and when access is necessary
 1413 in connection with:

1414 (a) The sale, lease, or other transfer of title of a unit;
 1415 or

1416 (b) The habitability of the unit or for the health and
 1417 safety of such person unless a governmental order or
 1418 determination, or a public health directive from the Centers for
 1419 Disease Control and Prevention, has been issued prohibiting such
 1420 access to the unit. Any such access is subject to reasonable
 1421 restrictions adopted by the association.

1422 Section 10. Subsection (3) of section 718.202, Florida
 1423 Statutes, is amended to read:

1424 718.202 Sales or reservation deposits prior to closing.—

1425 (3) If the contract for sale of the condominium unit so

1426 provides, the developer may withdraw escrow funds in excess of
1427 10 percent of the purchase price from the special account
1428 required by subsection (2) when the construction of improvements
1429 has begun. He or she may use the funds for the actual costs
1430 incurred by the developer in the ~~actual~~ construction and
1431 development of the condominium property in which the unit to be
1432 sold is located. For purposes of this subsection, the term
1433 "actual costs" includes, but is not limited to, expenditures for
1434 demolition, site clearing, permit fees, impact fees, and utility
1435 reservation fees, as well as architectural, engineering, and
1436 surveying fees that directly relate to construction and
1437 development of the condominium property. However, no part of
1438 these funds may be used for salaries, commissions, or expenses
1439 of salespersons; ~~or~~ for advertising, marketing, or promotional
1440 purposes; or for loan fees and costs, principal and interest on
1441 loans, attorney fees, accounting fees, or insurance costs. A
1442 contract which permits use of the advance payments for these
1443 purposes shall include the following legend conspicuously
1444 printed or stamped in boldfaced type on the first page of the
1445 contract and immediately above the place for the signature of
1446 the buyer: ANY PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE
1447 PRICE MADE TO DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS
1448 CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE DEVELOPER.
1449 Section 11. Subsection (1) and paragraph (b) of subsection
1450 (3) of section 718.303, Florida Statutes, are amended to read:

1451 718.303 Obligations of owners and occupants; remedies.—
 1452 (1) Each unit owner, ~~each~~ tenant and other invitee, and
 1453 ~~each~~ association is governed by, and must comply with the
 1454 provisions of, this chapter, the declaration, the documents
 1455 creating the association, and the association bylaws which are
 1456 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
 1457 Actions at law or in equity ~~for damages or for injunctive~~
 1458 ~~relief~~, or both, for failure to comply with these provisions may
 1459 be brought by the association or by a unit owner against:
 1460 (a) The association.
 1461 (b) A unit owner.
 1462 (c) Directors designated by the developer, for actions
 1463 taken by them before control of the association is assumed by
 1464 unit owners other than the developer.
 1465 (d) Any director who willfully and knowingly fails to
 1466 comply with these provisions.
 1467 (e) Any tenant leasing a unit, and any other invitee
 1468 occupying a unit.
 1469
 1470 The prevailing party in any such action or in any action in
 1471 which the purchaser claims a right of voidability based upon
 1472 contractual provisions as required in s. 718.503(1)(a) is
 1473 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
 1474 owner prevailing in an action between the association and the
 1475 unit owner under this subsection ~~section~~, in addition to

1476 recovering his or her reasonable attorney ~~attorney's~~ fees, may
1477 recover additional amounts as determined by the court to be
1478 necessary to reimburse the unit owner for his or her share of
1479 assessments levied by the association to fund its expenses of
1480 the litigation. This relief does not exclude other remedies
1481 provided by law. Actions arising under this subsection are not
1482 considered ~~may not be deemed to be~~ actions for specific
1483 performance.

1484 (3) The association may levy reasonable fines for the
1485 failure of the owner of the unit or its tenant ~~occupant~~,
1486 licensee, or invitee to comply with any provision of the
1487 declaration, the association bylaws, or reasonable rules of the
1488 association. A fine may not become a lien against a unit. A fine
1489 may be levied by the board on the basis of each day of a
1490 continuing violation, with a single notice and opportunity for
1491 hearing before a committee as provided in paragraph (b).
1492 However, the fine may not exceed \$100 per violation, or \$1,000
1493 in the aggregate.

1494 (b) A fine or suspension levied by the board of
1495 administration may not be imposed unless the board first
1496 provides at least 14 days' written notice to the unit owner and,
1497 if applicable, any tenant ~~occupant~~, licensee, or invitee of the
1498 unit owner sought to be fined or suspended, and an opportunity
1499 for a hearing before a committee of at least three members
1500 appointed by the board who are not officers, directors, or

1501 employees of the association, or the spouse, parent, child,
 1502 brother, or sister of an officer, director, or employee. The
 1503 role of the committee is limited to determining whether to
 1504 confirm or reject the fine or suspension levied by the board. If
 1505 the committee does not approve the proposed fine or suspension
 1506 by majority vote, the fine or suspension may not be imposed. If
 1507 the proposed fine or suspension is approved by the committee,
 1508 the fine payment is due 5 days after notice of the approved fine
 1509 is provided to the unit owner and, if applicable, to any tenant,
 1510 licensee, or invitee of the unit owner ~~the date of the committee~~
 1511 ~~meeting at which the fine is approved.~~ The association must
 1512 provide written notice of such fine or suspension by mail or
 1513 hand delivery to the unit owner and, if applicable, to any
 1514 tenant, licensee, or invitee of the unit owner.

1515 Section 12. Subsection (5) is added to section 718.405,
 1516 Florida Statutes, to read:

1517 718.405 Multicondominiums; multicondominium associations.—

1518 (5) This section does not prevent or restrict a
 1519 multicondominium association from adopting a consolidated or
 1520 combined declaration of condominium if such declaration complies
 1521 with s. 718.104 and does not serve to merge the condominiums or
 1522 change the legal descriptions of the condominium parcels as set
 1523 forth in s. 718.109, unless accomplished in accordance with law.
 1524 This subsection is intended to clarify existing law and applies
 1525 to associations existing on July 1, 2021.

1526 Section 13. Paragraph (1) of subsection (1) of section
 1527 718.501, Florida Statutes, is amended to read:

1528 718.501 Authority, responsibility, and duties of Division
 1529 of Florida Condominiums, Timeshares, and Mobile Homes.—

1530 (1) The division may enforce and ensure compliance with
 1531 ~~the provisions of~~ this chapter and rules relating to the
 1532 development, construction, sale, lease, ownership, operation,
 1533 and management of residential condominium units. In performing
 1534 its duties, the division has complete jurisdiction to
 1535 investigate complaints and enforce compliance with respect to
 1536 associations that are still under developer control or the
 1537 control of a bulk assignee or bulk buyer pursuant to part VII of
 1538 this chapter and complaints against developers, bulk assignees,
 1539 or bulk buyers involving improper turnover or failure to
 1540 turnover, pursuant to s. 718.301. However, after turnover has
 1541 occurred, the division has jurisdiction to investigate
 1542 complaints related only to financial issues, elections, and the
 1543 maintenance of and unit owner access to association records
 1544 under ~~pursuant to~~ s. 718.111(12).

1545 (1) The division shall develop a program to certify both
 1546 volunteer and paid mediators to provide mediation of condominium
 1547 disputes. The division shall provide, upon request, a list of
 1548 such mediators to any association, unit owner, or other
 1549 participant in alternative dispute resolution ~~arbitration~~
 1550 proceedings under s. 718.1255 requesting a copy of the list. The

1551 division shall include on the list of volunteer mediators only
 1552 the names of persons who have received at least 20 hours of
 1553 training in mediation techniques or who have mediated at least
 1554 20 disputes. In order to become initially certified by the
 1555 division, paid mediators must be certified by the Supreme Court
 1556 to mediate court cases in county or circuit courts. However, the
 1557 division may adopt, by rule, additional factors for the
 1558 certification of paid mediators, which must be related to
 1559 experience, education, or background. Any person initially
 1560 certified as a paid mediator by the division must, in order to
 1561 continue to be certified, comply with the factors or
 1562 requirements adopted by rule.

1563 Section 14. Section 718.5014, Florida Statutes, is amended
 1564 to read:

1565 718.5014 Ombudsman location.—The ombudsman shall maintain
 1566 his or her principal office in a Leon County ~~on the premises of~~
 1567 ~~the division or, if suitable space cannot be provided there, at~~
 1568 ~~another~~ place convenient to the offices of the division which
 1569 will enable the ombudsman to expeditiously carry out the duties
 1570 and functions of his or her office. The ombudsman may establish
 1571 branch offices elsewhere in the state upon the concurrence of
 1572 the Governor.

1573 Section 15. Subsection (25) of section 719.103, Florida
 1574 Statutes, is amended to read:

1575 719.103 Definitions.—As used in this chapter:

1576 (25) "Unit" means a part of the cooperative property which
 1577 is subject to exclusive use and possession. A unit may be
 1578 improvements, land, or land and improvements together, as
 1579 specified in the cooperative documents. An interest in a unit is
 1580 an interest in real property.

1581 Section 16. Paragraph (c) of subsection (2) of section
 1582 719.104, Florida Statutes, is amended to read:

1583 719.104 Cooperatives; access to units; records; financial
 1584 reports; assessments; purchase of leases.—

1585 (2) OFFICIAL RECORDS.—

1586 (c) The official records of the association are open to
 1587 inspection by any association member or the authorized
 1588 representative of such member at all reasonable times. The right
 1589 to inspect the records includes the right to make or obtain
 1590 copies, at the reasonable expense, if any, of the association
 1591 member. The association may adopt reasonable rules regarding the
 1592 frequency, time, location, notice, and manner of record
 1593 inspections and copying, but may not require a member to
 1594 demonstrate any purpose or state any reason for the inspection.

1595 The failure of an association to provide the records within 10
 1596 working days after receipt of a written request creates a
 1597 rebuttable presumption that the association willfully failed to
 1598 comply with this paragraph. A member ~~unit-owner~~ who is denied
 1599 access to official records is entitled to the actual damages or
 1600 minimum damages for the association's willful failure to comply.

1601 The minimum damages are \$50 per calendar day for up to 10 days,
 1602 beginning on the 11th working day after receipt of the written
 1603 request. The failure to permit inspection entitles any person
 1604 prevailing in an enforcement action to recover reasonable
 1605 attorney fees from the person in control of the records who,
 1606 directly or indirectly, knowingly denied access to the records.
 1607 Any person who knowingly or intentionally defaces or destroys
 1608 accounting records that are required by this chapter to be
 1609 maintained during the period for which such records are required
 1610 to be maintained, or who knowingly or intentionally fails to
 1611 create or maintain accounting records that are required to be
 1612 created or maintained, with the intent of causing harm to the
 1613 association or one or more of its members, is personally subject
 1614 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
 1615 association shall maintain an adequate number of copies of the
 1616 declaration, articles of incorporation, bylaws, and rules, and
 1617 all amendments to each of the foregoing, as well as the question
 1618 and answer sheet as described in s. 719.504 and year-end
 1619 financial information required by the department, on the
 1620 cooperative property to ensure their availability to members
 1621 ~~unit owners~~ and prospective purchasers, and may charge its
 1622 actual costs for preparing and furnishing these documents to
 1623 those requesting the same. An association shall allow a member
 1624 or his or her authorized representative to use a portable
 1625 device, including a smartphone, tablet, portable scanner, or any

1626 other technology capable of scanning or taking photographs, to
1627 make an electronic copy of the official records in lieu of the
1628 association providing the member or his or her authorized
1629 representative with a copy of such records. The association may
1630 not charge a member or his or her authorized representative for
1631 the use of a portable device. Notwithstanding this paragraph,
1632 the following records shall not be accessible to members ~~unit~~
1633 ~~owners~~:

1634 1. Any record protected by the lawyer-client privilege as
1635 described in s. 90.502 and any record protected by the work-
1636 product privilege, including any record prepared by an
1637 association attorney or prepared at the attorney's express
1638 direction which reflects a mental impression, conclusion,
1639 litigation strategy, or legal theory of the attorney or the
1640 association, and which was prepared exclusively for civil or
1641 criminal litigation or for adversarial administrative
1642 proceedings, or which was prepared in anticipation of such
1643 litigation or proceedings until the conclusion of the litigation
1644 or proceedings.

1645 2. Information obtained by an association in connection
1646 with the approval of the lease, sale, or other transfer of a
1647 unit.

1648 3. Personnel records of association or management company
1649 employees, including, but not limited to, disciplinary, payroll,
1650 health, and insurance records. For purposes of this

1651 subparagraph, the term "personnel records" does not include
1652 written employment agreements with an association employee or
1653 management company, or budgetary or financial records that
1654 indicate the compensation paid to an association employee.

1655 4. Medical records of unit owners.

1656 5. Social security numbers, driver license numbers, credit
1657 card numbers, e-mail addresses, telephone numbers, facsimile
1658 numbers, emergency contact information, addresses of a unit
1659 owner other than as provided to fulfill the association's notice
1660 requirements, and other personal identifying information of any
1661 person, excluding the person's name, unit designation, mailing
1662 address, property address, and any address, e-mail address, or
1663 facsimile number provided to the association to fulfill the
1664 association's notice requirements. Notwithstanding the
1665 restrictions in this subparagraph, an association may print and
1666 distribute to unit ~~parcel~~ owners a directory containing the
1667 name, unit ~~parcel~~ address, and all telephone numbers of each
1668 unit ~~parcel~~ owner. However, an owner may exclude his or her
1669 telephone numbers from the directory by so requesting in writing
1670 to the association. An owner may consent in writing to the
1671 disclosure of other contact information described in this
1672 subparagraph. The association is not liable for the inadvertent
1673 disclosure of information that is protected under this
1674 subparagraph if the information is included in an official
1675 record of the association and is voluntarily provided by an

1676 owner and not requested by the association.

1677 6. Electronic security measures that are used by the
1678 association to safeguard data, including passwords.

1679 7. The software and operating system used by the
1680 association which allow the manipulation of data, even if the
1681 owner owns a copy of the same software used by the association.
1682 The data is part of the official records of the association.

1683 Section 17. Paragraphs (b), (f), and (l) of subsection (1)
1684 of section 719.106, Florida Statutes, are amended, and
1685 subsection (3) is added to that section, to read:

1686 719.106 Bylaws; cooperative ownership.—

1687 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1688 documents shall provide for the following, and if they do not,
1689 they shall be deemed to include the following:

1690 (b) *Quorum; voting requirements; proxies.*—

1691 1. Unless otherwise provided in the bylaws, the percentage
1692 of voting interests required to constitute a quorum at a meeting
1693 of the members shall be a majority of voting interests, and
1694 decisions shall be made by owners of a majority of the voting
1695 interests. Unless otherwise provided in this chapter, or in the
1696 articles of incorporation, bylaws, or other cooperative
1697 documents, and except as provided in subparagraph (d)1.,
1698 decisions shall be made by owners of a majority of the voting
1699 interests represented at a meeting at which a quorum is present.

1700 2. Except as specifically otherwise provided herein, after

1701 January 1, 1992, unit owners may not vote by general proxy, but
1702 may vote by limited proxies substantially conforming to a
1703 limited proxy form adopted by the division. Limited proxies and
1704 general proxies may be used to establish a quorum. Limited
1705 proxies shall be used for votes taken to waive or reduce
1706 reserves in accordance with subparagraph (j)2., for votes taken
1707 to waive the financial reporting requirements of s.
1708 719.104(4)(b), for votes taken to amend the articles of
1709 incorporation or bylaws pursuant to this section, and for any
1710 other matter for which this chapter requires or permits a vote
1711 of the unit owners. Except as provided in paragraph (d), after
1712 January 1, 1992, no proxy, limited or general, shall be used in
1713 the election of board members. General proxies may be used for
1714 other matters for which limited proxies are not required, and
1715 may also be used in voting for nonsubstantive changes to items
1716 for which a limited proxy is required and given. Notwithstanding
1717 the provisions of this section, unit owners may vote in person
1718 at unit owner meetings. Nothing contained herein shall limit the
1719 use of general proxies or require the use of limited proxies or
1720 require the use of limited proxies for any agenda item or
1721 election at any meeting of a timeshare cooperative.

1722 3. Any proxy given shall be effective only for the
1723 specific meeting for which originally given and any lawfully
1724 adjourned meetings thereof. In no event shall any proxy be valid
1725 for a period longer than 90 days after the date of the first

1726 meeting for which it was given. Every proxy shall be revocable
 1727 at any time at the pleasure of the unit owner executing it.

1728 4. A member of the board of administration or a committee
 1729 may submit in writing his or her agreement or disagreement with
 1730 any action taken at a meeting that the member did not attend.
 1731 This agreement or disagreement may not be used as a vote for or
 1732 against the action taken and may not be used for the purposes of
 1733 creating a quorum.

1734 5. A board member or committee member participating in a
 1735 meeting via telephone, real-time videoconferencing, or similar
 1736 real-time electronic or video communication counts toward a
 1737 quorum, and such member may vote as if physically present ~~When~~
 1738 ~~some or all of the board or committee members meet by telephone~~
 1739 ~~conference, those board or committee members attending by~~
 1740 ~~telephone conference may be counted toward obtaining a quorum~~
 1741 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be
 1742 used ~~utilized~~ so that the conversation of such ~~those board or~~
 1743 ~~committee members attending by telephone~~ may be heard by the
 1744 board or committee members attending in person, as well as by
 1745 any unit owners present at a meeting.

1746 (f) *Recall of board members.*—Subject to s. 719.301, any
 1747 member of the board of administration may be recalled and
 1748 removed from office with or without cause by the vote or
 1749 agreement in writing by a majority of all the voting interests.
 1750 A special meeting of the voting interests to recall any member

1751 of the board of administration may be called by 10 percent of
1752 the unit owners giving notice of the meeting as required for a
1753 meeting of unit owners, and the notice shall state the purpose
1754 of the meeting. Electronic transmission may not be used as a
1755 method of giving notice of a meeting called in whole or in part
1756 for this purpose.

1757 1. If the recall is approved by a majority of all voting
1758 interests by a vote at a meeting, the recall shall be effective
1759 as provided in this paragraph. The board shall duly notice and
1760 hold a board meeting within 5 full business days after the
1761 adjournment of the unit owner meeting to recall one or more
1762 board members. At the meeting, the board shall either certify
1763 the recall, in which case such member or members shall be
1764 recalled effective immediately and shall turn over to the board
1765 within 5 full business days any and all records and property of
1766 the association in their possession, or shall proceed as set
1767 forth in subparagraph 3.

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

1776 written agreement to recall members of the board, in which case
1777 such members shall be recalled effective immediately and shall
1778 turn over to the board, within 5 full business days, any and all
1779 records and property of the association in their possession, or
1780 proceed as described in subparagraph 3.

1781 3. If the board determines not to certify the written
1782 agreement to recall members of the board, or does not certify
1783 the recall by a vote at a meeting, the board shall, within 5
1784 full business days after the board meeting, file with the
1785 division a petition for binding arbitration under ~~pursuant to~~
1786 ~~the procedures of~~ s. 719.1255 or file an action with a court of
1787 competent jurisdiction. For purposes of this paragraph, the unit
1788 owners who voted at the meeting or who executed the agreement in
1789 writing shall constitute one party under the petition for
1790 arbitration or in a court action. If the arbitrator or court
1791 certifies the recall as to any member of the board, the recall
1792 is ~~shall be~~ effective upon the mailing of the final order of
1793 arbitration to the association or the final order of the court.
1794 If the association fails to comply with the order of the court
1795 or the arbitrator, the division may take action under ~~pursuant~~
1796 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board
1797 any and all records and property of the association in the
1798 member's possession within 5 full business days after the
1799 effective date of the recall.

1800 4. If the board fails to duly notice and hold a board

1801 meeting within 5 full business days after service of an
1802 agreement in writing or within 5 full business days after the
1803 adjournment of the unit owner recall meeting, the recall is
1804 ~~shall be~~ deemed effective and the board members so recalled
1805 shall immediately turn over to the board any and all records and
1806 property of the association.

1807 5. If the board fails to duly notice and hold the required
1808 meeting or fails to file the required petition or action, the
1809 unit owner representative may file a petition under ~~pursuant to~~
1810 s. 719.1255 or file an action in a court of competent
1811 jurisdiction challenging the board's failure to act. The
1812 petition or action must be filed within 60 days after the
1813 expiration of the applicable 5-full-business-day period. The
1814 review of a petition or action under this subparagraph is
1815 limited to the sufficiency of service on the board and the
1816 facial validity of the written agreement or ballots filed.

1817 6. If a vacancy occurs on the board as a result of a
1818 recall and less than a majority of the board members are
1819 removed, the vacancy may be filled by the affirmative vote of a
1820 majority of the remaining directors, notwithstanding any
1821 provision to the contrary contained in this chapter. If
1822 vacancies occur on the board as a result of a recall and a
1823 majority or more of the board members are removed, the vacancies
1824 shall be filled in accordance with procedural rules to be
1825 adopted by the division, which rules need not be consistent with

1826 | this chapter. The rules must provide procedures governing the
1827 | conduct of the recall election as well as the operation of the
1828 | association during the period after a recall but before the
1829 | recall election.

1830 | 7. A board member who has been recalled may file a
1831 | petition under ~~pursuant to~~ s. 719.1255 or file an action in a
1832 | court of competent jurisdiction challenging the validity of the
1833 | recall. The petition or action must be filed within 60 days
1834 | after the recall is deemed certified. The association and the
1835 | unit owner representative shall be named as the respondents.

1836 | 8. The division or court may not accept for filing a
1837 | recall petition or action, whether filed under ~~pursuant to~~
1838 | subparagraph 1., subparagraph 2., subparagraph 5., or
1839 | subparagraph 7. and regardless of whether the recall was
1840 | certified, when there are 60 or fewer days until the scheduled
1841 | reelection of the board member sought to be recalled or when 60
1842 | or fewer days have not elapsed since the election of the board
1843 | member sought to be recalled.

1844 | (1) Alternative dispute resolution ~~Arbitration~~.—There
1845 | shall be a provision for alternative dispute resolution
1846 | ~~mandatory nonbinding arbitration~~ of internal disputes arising
1847 | from the operation of the cooperative in accordance with s.
1848 | 719.1255.

1849 | (3) GENERALLY.—The association may extinguish a
1850 | discriminatory restriction as provided under s. 712.065.

1851 Section 18. Section 719.128, Florida Statutes, is amended
 1852 to read:

1853 719.128 Association emergency powers.—

1854 (1) To the extent allowed by law, unless specifically
 1855 prohibited by the cooperative documents, and consistent with s.
 1856 617.0830, the board of administration, in response to damage or
 1857 injury caused by or anticipated in connection with an emergency,
 1858 as defined in s. 252.34(4), ~~event~~ for which a state of emergency
 1859 is declared pursuant to s. 252.36 in the area encompassed by the
 1860 cooperative, may exercise the following powers:

1861 (a) Conduct board meetings, committee meetings, elections,
 1862 or membership meetings, in whole or in part, by telephone, real-
 1863 time videoconferencing, or similar real-time electronic or video
 1864 communication after notice of the meetings and board decisions
 1865 is provided in as practicable a manner as possible, including
 1866 via publication, radio, United States mail, the Internet,
 1867 electronic transmission, public service announcements,
 1868 conspicuous posting on the cooperative property, or any other
 1869 means the board deems appropriate under the circumstances.
 1870 Notice of decisions may also be communicated as provided in this
 1871 paragraph.

1872 (b) Cancel and reschedule an association meeting.

1873 (c) Designate assistant officers who are not directors. If
 1874 the executive officer is incapacitated or unavailable, the
 1875 assistant officer has the same authority during the state of

1876 emergency as the executive officer he or she assists.

1877 (d) Relocate the association's principal office or
 1878 designate an alternative principal office.

1879 (e) Enter into agreements with counties and municipalities
 1880 to assist counties and municipalities with debris removal.

1881 (f) Implement a disaster or an emergency plan before,
 1882 during, or ~~immediately~~ following the event for which a state of
 1883 emergency is declared, which may include turning on or shutting
 1884 off elevators; electricity; water, sewer, or security systems;
 1885 or air conditioners for association buildings.

1886 (g) Based upon the advice of emergency management
 1887 officials or public health officials, or upon the advice of
 1888 licensed professionals retained by or otherwise available to the
 1889 board of administration, determine any portion of the
 1890 cooperative property unavailable for entry or occupancy by unit
 1891 owners or their family members, tenants, guests, agents, or
 1892 invitees to protect their health, safety, or welfare.

1893 (h) Based upon the advice of emergency management
 1894 officials or public health officials, or upon the advice of
 1895 licensed professionals retained by or otherwise available to the
 1896 board of administration, determine whether the cooperative
 1897 property or any portion thereof can be safely inhabited or
 1898 occupied. However, such determination is not conclusive as to
 1899 any determination of habitability pursuant to the cooperative
 1900 documents declaration.

1901 (i) Require the evacuation of the cooperative property in
1902 the event of a mandatory evacuation order in the area where the
1903 cooperative is located or prohibit or restrict access to the
1904 cooperative property in the event of a public health threat. If
1905 a unit owner or other occupant of a cooperative fails to
1906 evacuate the cooperative property for which the board has
1907 required evacuation, the association is immune from liability
1908 for injury to persons or property arising from such failure.

1909 (j) Mitigate further damage, injury, or contagion,
1910 including taking action to contract for the removal of debris
1911 and to prevent or mitigate the spread of fungus, including mold
1912 or mildew, by removing and disposing of wet drywall, insulation,
1913 carpet, cabinetry, or other fixtures on or within the
1914 cooperative property, regardless of whether the unit owner is
1915 obligated by the cooperative documents ~~declaration~~ or law to
1916 insure or replace those fixtures and to remove personal property
1917 from a unit or to sanitize the cooperative property.

1918 (k) Contract, on behalf of a unit owner, for items or
1919 services for which the owner is otherwise individually
1920 responsible, but which are necessary to prevent further injury,
1921 contagion, or damage to the cooperative property. In such event,
1922 the unit owner on whose behalf the board has contracted is
1923 responsible for reimbursing the association for the actual costs
1924 of the items or services, and the association may use its lien
1925 authority provided by s. 719.108 to enforce collection of the

1926 | charges. Such items or services may include the drying of the
 1927 | unit, the boarding of broken windows or doors, ~~and~~ the
 1928 | replacement of a damaged air conditioner or air handler to
 1929 | provide climate control in the unit or other portions of the
 1930 | property, and the sanitizing of the cooperative property.

1931 | (1) Notwithstanding a provision to the contrary, and
 1932 | regardless of whether such authority does not specifically
 1933 | appear in the cooperative documents, levy special assessments
 1934 | without a vote of the owners.

1935 | (m) Without unit owners' approval, borrow money and pledge
 1936 | association assets as collateral to fund emergency repairs and
 1937 | carry out the duties of the association if operating funds are
 1938 | insufficient. This paragraph does not limit the general
 1939 | authority of the association to borrow money, subject to such
 1940 | restrictions contained in the cooperative documents.

1941 | (2) The authority granted under subsection (1) is limited
 1942 | to that time reasonably necessary to protect the health, safety,
 1943 | and welfare of the association and the unit owners and their
 1944 | family members, tenants, guests, agents, or invitees, and to
 1945 | mitigate further damage, injury, or contagion and make emergency
 1946 | repairs.

1947 | (3) Notwithstanding paragraphs (1) (f)-(i), during a state
 1948 | of emergency declared by executive order or proclamation of the
 1949 | Governor pursuant to s. 252.36, an association may not prohibit
 1950 | unit owners, tenants, guests, agents, or invitees of a unit

1951 owner from accessing the common elements and limited common
 1952 elements appurtenant thereto for the purposes of ingress to and
 1953 egress from the unit when access is necessary in connection
 1954 with:

1955 (a) The sale, lease, or other transfer of title of a unit;

1956 or

1957 (b) The habitability of the unit or for the health and
 1958 safety of such person unless a governmental order or
 1959 determination, or a public health directive from the Centers for
 1960 Disease Control and Prevention, has been issued prohibiting such
 1961 access to the unit. Any such access is subject to reasonable
 1962 restrictions adopted by the association.

1963 Section 19. Subsection (8) of section 720.301, Florida
 1964 Statutes, is amended to read:

1965 720.301 Definitions.—As used in this chapter, the term:

1966 (8) "Governing documents" means:

1967 (a) The recorded declaration of covenants for a community
 1968 and all duly adopted and recorded amendments, supplements, and
 1969 recorded exhibits thereto. ~~;~~

1970 (b) The articles of incorporation and bylaws of the
 1971 homeowners' association and any duly adopted amendments
 1972 thereto. ~~;~~ and

1973 ~~(c) Rules and regulations adopted under the authority of~~
 1974 ~~the recorded declaration, articles of incorporation, or bylaws~~
 1975 ~~and duly adopted amendments thereto.~~

1976 Section 20. Paragraph (l) of subsection (4) of section
 1977 720.303, Florida Statutes, is redesignated as paragraph (m) and
 1978 amended, paragraph (c) of subsection (2), paragraph (c) of
 1979 subsection (5), paragraphs (c) and (d) of subsection (6), and
 1980 paragraphs (b), (d), (g), (k), and (l) of subsection (10) are
 1981 amended, and a new paragraph (l) is added to subsection (4) of
 1982 that section, to read:

1983 720.303 Association powers and duties; meetings of board;
 1984 official records; budgets; financial reporting; association
 1985 funds; recalls.—

1986 (2) BOARD MEETINGS.—

1987 (c) The bylaws shall provide the following for giving
 1988 notice to parcel owners and members of all board meetings and,
 1989 if they do not do so, shall be deemed to include the following:

1990 1. Notices of all board meetings must be posted in a
 1991 conspicuous place in the community at least 48 hours in advance
 1992 of a meeting, except in an emergency. In the alternative, if
 1993 notice is not posted in a conspicuous place in the community,
 1994 notice of each board meeting must be mailed or delivered to each
 1995 member at least 7 days before the meeting, except in an
 1996 emergency. Notwithstanding this general notice requirement, for
 1997 communities with more than 100 members, the association bylaws
 1998 may provide for a reasonable alternative to posting or mailing
 1999 of notice for each board meeting, including publication of
 2000 notice, provision of a schedule of board meetings, or the

2001 conspicuous posting and repeated broadcasting of the notice on a
2002 closed-circuit cable television system serving the homeowners'
2003 association. However, if broadcast notice is used in lieu of a
2004 notice posted physically in the community, the notice must be
2005 broadcast at least four times every broadcast hour of each day
2006 that a posted notice is otherwise required. When broadcast
2007 notice is provided, the notice and agenda must be broadcast in a
2008 manner and for a sufficient continuous length of time so as to
2009 allow an average reader to observe the notice and read and
2010 comprehend the entire content of the notice and the agenda. In
2011 addition to any of the authorized means of providing notice of a
2012 meeting of the board, the association may, by rule, adopt a
2013 procedure for conspicuously posting the meeting notice and the
2014 agenda on the association's website or an application that can
2015 be downloaded on a mobile device for at least the minimum period
2016 of time for which a notice of a meeting is also required to be
2017 physically posted on the association property. Any rule adopted
2018 must, in addition to other matters, include a requirement that
2019 the association send an electronic notice to members whose e-
2020 mail addresses are included in the association's official
2021 records in the same manner as is required for a notice of a
2022 meeting of the members. Such notice must include a hyperlink to
2023 the website or such mobile application on which the meeting
2024 notice is posted. The association may provide notice by
2025 electronic transmission in a manner authorized by law for

2026 meetings of the board of directors, committee meetings requiring
2027 notice under this section, and annual and special meetings of
2028 the members to any member who has provided a facsimile number or
2029 e-mail address to the association to be used for such purposes;
2030 however, a member must consent in writing to receiving notice by
2031 electronic transmission.

2032 2. An assessment may not be levied at a board meeting
2033 unless the notice of the meeting includes a statement that
2034 assessments will be considered and the nature of the
2035 assessments. Written notice of any meeting at which special
2036 assessments will be considered or at which amendments to rules
2037 regarding parcel use will be considered must be mailed,
2038 delivered, or electronically transmitted to the members and
2039 parcel owners and posted conspicuously on the property or
2040 broadcast on closed-circuit cable television not less than 14
2041 days before the meeting.

2042 3. Directors may not vote by proxy or by secret ballot at
2043 board meetings, except that secret ballots may be used in the
2044 election of officers. This subsection also applies to the
2045 meetings of any committee or other similar body, when a final
2046 decision will be made regarding the expenditure of association
2047 funds, and to any body vested with the power to approve or
2048 disapprove architectural decisions with respect to a specific
2049 parcel of residential property owned by a member of the
2050 community.

2051 (4) OFFICIAL RECORDS.—The association shall maintain each
 2052 of the following items, when applicable, which constitute the
 2053 official records of the association:

2054 (1) Ballots, sign-in sheets, voting proxies, and all other
 2055 papers and electronic records relating to voting by parcel
 2056 owners, which must be maintained for at least 1 year after the
 2057 date of the election, vote, or meeting.

2058 (m)-(l) All other written records of the association not
 2059 specifically included in this subsection ~~the foregoing~~ which are
 2060 related to the operation of the association.

2061 (5) INSPECTION AND COPYING OF RECORDS.—The official
 2062 records shall be maintained within the state for at least 7
 2063 years and shall be made available to a parcel owner for
 2064 inspection or photocopying within 45 miles of the community or
 2065 within the county in which the association is located within 10
 2066 business days after receipt by the board or its designee of a
 2067 written request. This subsection may be complied with by having
 2068 a copy of the official records available for inspection or
 2069 copying in the community or, at the option of the association,
 2070 by making the records available to a parcel owner electronically
 2071 via the Internet or by allowing the records to be viewed in
 2072 electronic format on a computer screen and printed upon request.
 2073 If the association has a photocopy machine available where the
 2074 records are maintained, it must provide parcel owners with
 2075 copies on request during the inspection if the entire request is

2076 | limited to no more than 25 pages. An association shall allow a
2077 | member or his or her authorized representative to use a portable
2078 | device, including a smartphone, tablet, portable scanner, or any
2079 | other technology capable of scanning or taking photographs, to
2080 | make an electronic copy of the official records in lieu of the
2081 | association's providing the member or his or her authorized
2082 | representative with a copy of such records. The association may
2083 | not charge a fee to a member or his or her authorized
2084 | representative for the use of a portable device.

2085 | (c) The association may adopt reasonable written rules
2086 | governing the frequency, time, location, notice, records to be
2087 | inspected, and manner of inspections, but may not require a
2088 | parcel owner to demonstrate any proper purpose for the
2089 | inspection, state any reason for the inspection, or limit a
2090 | parcel owner's right to inspect records to less than one 8-hour
2091 | business day per month. The association may impose fees to cover
2092 | the costs of providing copies of the official records, including
2093 | the costs of copying and the costs required for personnel to
2094 | retrieve and copy the records if the time spent retrieving and
2095 | copying the records exceeds one-half hour and if the personnel
2096 | costs do not exceed \$20 per hour. Personnel costs may not be
2097 | charged for records requests that result in the copying of 25 or
2098 | fewer pages. The association may charge up to 25 cents per page
2099 | for copies made on the association's photocopier. If the
2100 | association does not have a photocopy machine available where

2101 the records are kept, or if the records requested to be copied
2102 exceed 25 pages in length, the association may have copies made
2103 by an outside duplicating service and may charge the actual cost
2104 of copying, as supported by the vendor invoice. The association
2105 shall maintain an adequate number of copies of the recorded
2106 governing documents, to ensure their availability to members and
2107 prospective members. Notwithstanding this paragraph, the
2108 following records are not accessible to members or parcel
2109 owners:

2110 1. Any record protected by the lawyer-client privilege as
2111 described in s. 90.502 and any record protected by the work-
2112 product privilege, including, but not limited to, a record
2113 prepared by an association attorney or prepared at the
2114 attorney's express direction which reflects a mental impression,
2115 conclusion, litigation strategy, or legal theory of the attorney
2116 or the association and which was prepared exclusively for civil
2117 or criminal litigation or for adversarial administrative
2118 proceedings or which was prepared in anticipation of such
2119 litigation or proceedings until the conclusion of the litigation
2120 or proceedings.

2121 2. Information obtained by an association in connection
2122 with the approval of the lease, sale, or other transfer of a
2123 parcel.

2124 3. Information an association obtains in a gated community
2125 in connection with guests' visits to parcel owners or community

2126 residents.

2127 ~~4.3.~~ Personnel records of association or management
 2128 company employees, including, but not limited to, disciplinary,
 2129 payroll, health, and insurance records. For purposes of this
 2130 subparagraph, the term "personnel records" does not include
 2131 written employment agreements with an association or management
 2132 company employee or budgetary or financial records that indicate
 2133 the compensation paid to an association or management company
 2134 employee.

2135 ~~5.4.~~ Medical records of parcel owners or community
 2136 residents.

2137 ~~6.5.~~ Social security numbers, driver license numbers,
 2138 credit card numbers, electronic mailing addresses, telephone
 2139 numbers, facsimile numbers, emergency contact information, any
 2140 addresses for a parcel owner other than as provided for
 2141 association notice requirements, and other personal identifying
 2142 information of any person, excluding the person's name, parcel
 2143 designation, mailing address, and property address.
 2144 Notwithstanding the restrictions in this subparagraph, an
 2145 association may print and distribute to parcel owners a
 2146 directory containing the name, parcel address, and all telephone
 2147 numbers of each parcel owner. However, an owner may exclude his
 2148 or her telephone numbers from the directory by so requesting in
 2149 writing to the association. An owner may consent in writing to
 2150 the disclosure of other contact information described in this

2151 subparagraph. The association is not liable for the disclosure
2152 of information that is protected under this subparagraph if the
2153 information is included in an official record of the association
2154 and is voluntarily provided by an owner and not requested by the
2155 association.

2156 ~~7.6.~~ Any electronic security measure that is used by the
2157 association to safeguard data, including passwords.

2158 ~~8.7.~~ The software and operating system used by the
2159 association which allows the manipulation of data, even if the
2160 owner owns a copy of the same software used by the association.
2161 The data is part of the official records of the association.

2162 (6) BUDGETS.—

2163 (c)1. If the budget of the association does not provide
2164 for reserve accounts under ~~pursuant to~~ paragraph (d), or the
2165 declaration of covenants, articles, or bylaws do not obligate
2166 the developer to create reserves, and the association is
2167 responsible for the repair and maintenance of capital
2168 improvements that may result in a special assessment if reserves
2169 are not provided or not fully funded, each financial report for
2170 the preceding fiscal year required by subsection (7) must
2171 contain the following statement in conspicuous type:

2172

2173 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED
2174 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED
2175 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING

2176 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED
2177 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA
2178 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL
2179 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A
2180 MEETING OR BY WRITTEN CONSENT.

2181 2. If the budget of the association does provide for
2182 funding accounts for deferred expenditures, including, but not
2183 limited to, funds for capital expenditures and deferred
2184 maintenance, but such accounts are not created or established
2185 under ~~pursuant to~~ paragraph (d), each financial report for the
2186 preceding fiscal year required under subsection (7) must also
2187 contain the following statement in conspicuous type:
2188 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY
2189 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES
2190 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED
2191 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED
2192 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION
2193 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE
2194 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR
2195 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

2196 (d) An association is deemed to have provided for reserve
2197 accounts ~~if reserve accounts have been initially established by~~
2198 ~~the developer or if the membership of the association~~
2199 ~~affirmatively elects to provide for reserves. If reserve~~
2200 ~~accounts are established by the developer, the budget must~~

2201 ~~designate the components for which the reserve accounts may be~~
2202 ~~used. If reserve accounts are not initially provided by the~~
2203 ~~developer, the membership of the association may elect to do so~~
2204 upon the affirmative approval of a majority of the total voting
2205 interests of the association. Such approval may be obtained by
2206 vote of the members at a duly called meeting of the membership
2207 or by the written consent of a majority of the total voting
2208 interests of the association. The approval action of the
2209 membership must state that reserve accounts shall be provided
2210 for in the budget and must designate the components for which
2211 the reserve accounts are to be established. Upon approval by the
2212 membership, the board of directors shall include the required
2213 reserve accounts in the budget in the next fiscal year following
2214 the approval and each year thereafter. Once established as
2215 provided in this subsection, the reserve accounts must be funded
2216 or maintained or have their funding waived in the manner
2217 provided in paragraph (f).

2218 (10) RECALL OF DIRECTORS.—

2219 (b)1. Board directors may be recalled by an agreement in
2220 writing or by written ballot without a membership meeting. The
2221 agreement in writing or the written ballots, or a copy thereof,
2222 shall be served on the association by certified mail or by
2223 personal service in the manner authorized by chapter 48 and the
2224 Florida Rules of Civil Procedure.

2225 2. The board shall duly notice and hold a meeting of the

2226 board within 5 full business days after receipt of the agreement
2227 in writing or written ballots. At the meeting, the board shall
2228 either certify the written ballots or written agreement to
2229 recall a director or directors of the board, in which case such
2230 director or directors shall be recalled effective immediately
2231 and shall turn over to the board within 5 full business days any
2232 and all records and property of the association in their
2233 possession, or proceed as described in paragraph (d).

2234 3. When it is determined by the department pursuant to
2235 binding arbitration proceedings or the court in an action filed
2236 in a court of competent jurisdiction that an initial recall
2237 effort was defective, written recall agreements or written
2238 ballots used in the first recall effort and not found to be
2239 defective may be reused in one subsequent recall effort.
2240 However, in no event is a written agreement or written ballot
2241 valid for more than 120 days after it has been signed by the
2242 member.

2243 4. Any rescission or revocation of a member's written
2244 recall ballot or agreement must be in writing and, in order to
2245 be effective, must be delivered to the association before the
2246 association is served with the written recall agreements or
2247 ballots.

2248 5. The agreement in writing or ballot shall list at least
2249 as many possible replacement directors as there are directors
2250 subject to the recall, when at least a majority of the board is

2251 sought to be recalled; the person executing the recall
2252 instrument may vote for as many replacement candidates as there
2253 are directors subject to the recall.

2254 (d) If the board determines not to certify the written
2255 agreement or written ballots to recall a director or directors
2256 of the board or does not certify the recall by a vote at a
2257 meeting, the board shall, within 5 full business days after the
2258 meeting, file an action with a court of competent jurisdiction
2259 or file with the department a petition for binding arbitration
2260 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)
2261 and 718.1255 and the rules adopted thereunder. For the purposes
2262 of this section, the members who voted at the meeting or who
2263 executed the agreement in writing shall constitute one party
2264 under the petition for arbitration or in a court action. If the
2265 arbitrator or court certifies the recall as to any director or
2266 directors of the board, the recall will be effective upon the
2267 final order of the court or the mailing of the final order of
2268 arbitration to the association. The director or directors so
2269 recalled shall deliver to the board any and all records of the
2270 association in their possession within 5 full business days
2271 after the effective date of the recall.

2272 (g) If the board fails to duly notice and hold the
2273 required meeting or fails to file the required petition or
2274 action, the parcel ~~unit~~ owner representative may file a petition
2275 or a court action under ~~pursuant to~~ s. 718.1255 challenging the

2276 board's failure to act. The petition or action must be filed
 2277 within 60 days after the expiration of the applicable 5-full-
 2278 business-day period. The review of a petition or action under
 2279 this paragraph is limited to the sufficiency of service on the
 2280 board and the facial validity of the written agreement or
 2281 ballots filed.

2282 (k) A board member who has been recalled may file an
 2283 action with a court of competent jurisdiction or a petition
 2284 under ~~pursuant to~~ ss. 718.112(2) (j) and 718.1255 and the rules
 2285 adopted challenging the validity of the recall. The petition or
 2286 action must be filed within 60 days after the recall is deemed
 2287 certified. The association and the parcel ~~unit~~ owner
 2288 representative shall be named as respondents.

2289 (l) The division or a court of competent jurisdiction may
 2290 not accept for filing a recall petition or action, whether filed
 2291 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),
 2292 or paragraph (k) and regardless of whether the recall was
 2293 certified, when there are 60 or fewer days until the scheduled
 2294 reelection of the board member sought to be recalled or when 60
 2295 or fewer days have not elapsed since the election of the board
 2296 member sought to be recalled.

2297 Section 21. Subsection (2) of section 720.305, Florida
 2298 Statutes, is amended to read:

2299 720.305 Obligations of members; remedies at law or in
 2300 equity; levy of fines and suspension of use rights.—

2301 (2) An ~~The~~ association may levy reasonable fines. A fine
 2302 may not exceed \$100 per violation against any member or any
 2303 member's tenant, guest, or invitee for the failure of the owner
 2304 of the parcel or its occupant, licensee, or invitee to comply
 2305 with any provision of the declaration, the association bylaws,
 2306 or reasonable rules of the association unless otherwise provided
 2307 in the governing documents. A fine may be levied by the board
 2308 for each day of a continuing violation, with a single notice and
 2309 opportunity for hearing, except that the fine may not exceed
 2310 \$1,000 in the aggregate unless otherwise provided in the
 2311 governing documents. A fine of less than \$1,000 may not become a
 2312 lien against a parcel. In any action to recover a fine, the
 2313 prevailing party is entitled to reasonable attorney fees and
 2314 costs from the nonprevailing party as determined by the court.

2315 (a) An association may suspend, for a reasonable period of
 2316 time, the right of a member, or a member's tenant, guest, or
 2317 invitee, to use common areas and facilities for the failure of
 2318 the owner of the parcel or its occupant, licensee, or invitee to
 2319 comply with any provision of the declaration, the association
 2320 bylaws, or reasonable rules of the association. This paragraph
 2321 does not apply to that portion of common areas used to provide
 2322 access or utility services to the parcel. A suspension may not
 2323 prohibit an owner or tenant of a parcel from having vehicular
 2324 and pedestrian ingress to and egress from the parcel, including,
 2325 but not limited to, the right to park.

2326 (b) A fine or suspension levied by the board of
2327 administration may not be imposed unless the board first
2328 provides at least 14 days' notice to the parcel owner and, if
2329 applicable, any occupant, licensee, or invitee of the parcel
2330 owner, sought to be fined or suspended and an opportunity for a
2331 hearing before a committee of at least three members appointed
2332 by the board who are not officers, directors, or employees of
2333 the association, or the spouse, parent, child, brother, or
2334 sister of an officer, director, or employee. If the committee,
2335 by majority vote, does not approve a proposed fine or
2336 suspension, the proposed fine or suspension may not be imposed.
2337 The role of the committee is limited to determining whether to
2338 confirm or reject the fine or suspension levied by the board. If
2339 the proposed fine or suspension levied by the board is approved
2340 by the committee, the fine payment is due 5 days after notice of
2341 the approved fine is provided to the parcel owner and, if
2342 applicable, to any occupant, licensee, or invitee of the parcel
2343 owner the date of the committee meeting at which the fine is
2344 approved. The association must provide written notice of such
2345 fine or suspension by mail or hand delivery to the parcel owner
2346 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
2347 of the parcel owner.

2348 Section 22. Paragraph (g) of subsection (1) and paragraph
2349 (c) of subsection (9) of section 720.306, Florida Statutes, are
2350 amended, and paragraph (h) is added to subsection (1) of that

2351 section, to read:

2352 720.306 Meetings of members; voting and election
2353 procedures; amendments.—

2354 (1) QUORUM; AMENDMENTS.—

2355 (g) A notice required under this section must be mailed or
2356 delivered to the address identified as the parcel owner's
2357 mailing address in the official records of the association as
2358 required under s. 720.303(4) ~~on the property appraiser's website~~
2359 ~~for the county in which the parcel is located~~, or electronically
2360 transmitted in a manner authorized by the association if the
2361 parcel owner has consented, in writing, to receive notice by
2362 electronic transmission.

2363 (h)1. Except as provided herein, an amendment to a
2364 governing document, rule, or regulation enacted after July 1,
2365 2021, which prohibits a parcel owner from renting his or her
2366 parcel, alters the authorized duration of a rental term, or
2367 specifies or limits the number of times that a parcel owner may
2368 rent his or her parcel during a specified period, applies only
2369 to a parcel owner who consents, individually or through a
2370 representative, to the amendment, and to parcel owners who
2371 acquire title to a parcel after the effective date of the
2372 amendment.

2373 2. Notwithstanding subparagraph 1., an association may
2374 amend its governing documents to prohibit or regulate rental
2375 durations that are for terms of less than 6 months and to

2376 prohibit a parcel owner from renting his or parcel more than
 2377 three times in a calendar year. Such amendments apply to all
 2378 parcel owners.

2379 3. This paragraph does not affect the enforcement
 2380 restrictions for associations of 15 or fewer parcel owners as
 2381 provided in s. 720.303(1).

2382 4. For purposes of this paragraph, a change of ownership
 2383 does not occur when a parcel owner conveys the parcel to an
 2384 affiliated entity, when beneficial ownership of the parcel does
 2385 not change, or when an heir becomes the parcel owner. For
 2386 purposes of this paragraph, the term "affiliated entity" means
 2387 an entity that controls, is controlled by, or is under common
 2388 control with the parcel owner or that becomes a parent or
 2389 successor entity by reason of transfer, merger, consolidation,
 2390 public offering, reorganization, dissolution or sale of stock,
 2391 or transfer of membership partnership interests. For a
 2392 conveyance to be recognized as one made to an affiliated entity,
 2393 the entity must furnish the association a document certifying
 2394 that this paragraph applies, as well as providing any
 2395 organizational documents for the parcel owner and the affiliated
 2396 entity that support the representations in the certificate, as
 2397 requested by the association.

2398 (9) ELECTIONS AND BOARD VACANCIES.—

2399 (c) Any election dispute between a member and an
 2400 association must be submitted to ~~mandatory~~ binding arbitration

2401 with the division or filed with a court of competent
2402 jurisdiction. Such proceedings that are submitted to binding
2403 arbitration with the division must be conducted in the manner
2404 provided by s. 718.1255 and the procedural rules adopted by the
2405 division. Unless otherwise provided in the bylaws, any vacancy
2406 occurring on the board before the expiration of a term may be
2407 filled by an affirmative vote of the majority of the remaining
2408 directors, even if the remaining directors constitute less than
2409 a quorum, or by the sole remaining director. In the alternative,
2410 a board may hold an election to fill the vacancy, in which case
2411 the election procedures must conform to the requirements of the
2412 governing documents. Unless otherwise provided in the bylaws, a
2413 board member appointed or elected under this section is
2414 appointed for the unexpired term of the seat being filled.
2415 Filling vacancies created by recall is governed by s.
2416 720.303(10) and rules adopted by the division.

2417 Section 23. Paragraph (a) of subsection (1) and subsection
2418 (2) of section 720.307, Florida Statutes, are amended to read:

2419 720.307 Transition of association control in a community.—
2420 With respect to homeowners' associations:

2421 (1) Members other than the developer are entitled to elect
2422 at least a majority of the members of the board of directors of
2423 the homeowners' association when the earlier of the following
2424 events occurs:

2425 (a) Three months after 90 percent of the parcels in all

2426 | phases of the community that will ultimately be operated by the
 2427 | homeowners' association have been conveyed to members other than
 2428 | the developer;

2429 |
 2430 | For purposes of this section, the term "members other than the
 2431 | developer" shall not include builders, contractors, or others
 2432 | who purchase a parcel for the purpose of constructing
 2433 | improvements thereon for resale.

2434 | (2) Members other than the developer are entitled to elect
 2435 | at least one member of the board of directors of the homeowners'
 2436 | association if 50 percent of the parcels in all phases of the
 2437 | community which will ultimately be operated by the association
 2438 | have been conveyed to members other than the developer.

2439 | Section 24. Subsection (6) is added to section 720.3075,
 2440 | Florida Statutes, to read:

2441 | 720.3075 Prohibited clauses in association documents.—

2442 | (6) An association may extinguish a discriminatory
 2443 | restriction as provided in s. 712.065.

2444 | Section 25. Subsection (1) of section 720.311, Florida
 2445 | Statutes, is amended to read:

2446 | 720.311 Dispute resolution.—

2447 | (1) The Legislature finds that alternative dispute
 2448 | resolution has made progress in reducing court dockets and
 2449 | trials and in offering a more efficient, cost-effective option
 2450 | to litigation. The filing of any petition for arbitration or the

2451 serving of a demand for presuit mediation as provided for in
 2452 this section shall toll the applicable statute of limitations.
 2453 Any recall dispute filed with the department under ~~pursuant to~~
 2454 s. 720.303(10) shall be conducted by the department in
 2455 accordance with the provisions of ss. 718.112(2)(j) and 718.1255
 2456 and the rules adopted by the division. In addition, the
 2457 department shall conduct ~~mandatory~~ binding arbitration of
 2458 election disputes between a member and an association in
 2459 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the
 2460 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are
 2461 not eligible for presuit mediation; these disputes must ~~shall~~ be
 2462 arbitrated by the department or filed in a court of competent
 2463 jurisdiction. At the conclusion of an arbitration ~~the~~
 2464 proceeding, the department shall charge the parties a fee in an
 2465 amount adequate to cover all costs and expenses incurred by the
 2466 department in conducting the proceeding. Initially, the
 2467 petitioner shall remit a filing fee of at least \$200 to the
 2468 department. The fees paid to the department shall become a
 2469 recoverable cost in the arbitration proceeding, and the
 2470 prevailing party in an arbitration proceeding shall recover its
 2471 reasonable costs and attorney ~~attorney's~~ fees in an amount found
 2472 reasonable by the arbitrator. The department shall adopt rules
 2473 to effectuate the purposes of this section.

2474 Section 26. Section 720.316, Florida Statutes, is amended
 2475 to read:

2476 720.316 Association emergency powers.—

2477 (1) To the extent allowed by law, unless specifically
 2478 prohibited by the declaration or other recorded governing
 2479 documents, and consistent with s. 617.0830, the board of
 2480 directors, in response to damage or injury caused by or
 2481 anticipated in connection with an emergency, as defined in s.
 2482 252.34(4), ~~event~~ for which a state of emergency is declared
 2483 pursuant to s. 252.36 in the area encompassed by the
 2484 association, may exercise the following powers:

2485 (a) Conduct board meetings, committee meetings, elections,
 2486 or membership meetings, in whole or in part, by telephone, real-
 2487 time videoconferencing, or similar real-time electronic or video
 2488 communication after notice of the meetings and board decisions
 2489 is provided in as practicable a manner as possible, including
 2490 via publication, radio, United States mail, the Internet,
 2491 electronic transmission, public service announcements,
 2492 conspicuous posting on the common area association property, or
 2493 any other means the board deems appropriate under the
 2494 circumstances. Notice of decisions may also be communicated as
 2495 provided in this paragraph.

2496 (b) Cancel and reschedule an association meeting.

2497 (c) Designate assistant officers who are not directors. If
 2498 the executive officer is incapacitated or unavailable, the
 2499 assistant officer has the same authority during the state of
 2500 emergency as the executive officer he or she assists.

- 2501 (d) Relocate the association's principal office or
 2502 designate an alternative principal office.
- 2503 (e) Enter into agreements with counties and municipalities
 2504 to assist counties and municipalities with debris removal.
- 2505 (f) Implement a disaster or an emergency plan before,
 2506 during, or ~~immediately~~ following the event for which a state of
 2507 emergency is declared, which may include, but is not limited to,
 2508 turning on or shutting off elevators; electricity; water, sewer,
 2509 or security systems; or air conditioners for association
 2510 buildings.
- 2511 (g) Based upon the advice of emergency management
 2512 officials or public health officials, or upon the advice of
 2513 licensed professionals retained by or otherwise available to the
 2514 board, determine any portion of the common areas or facilities
 2515 ~~association property~~ unavailable for entry or occupancy by
 2516 owners or their family members, tenants, guests, agents, or
 2517 invitees to protect their health, safety, or welfare.
- 2518 (h) Based upon the advice of emergency management
 2519 officials or public health officials or upon the advice of
 2520 licensed professionals retained by or otherwise available to the
 2521 board, determine whether the common areas or facilities
 2522 ~~association property~~ can be safely inhabited, accessed, or
 2523 occupied. However, such determination is not conclusive as to
 2524 any determination of habitability pursuant to the declaration.
- 2525 (i) Mitigate further damage, injury, or contagion,

2526 including taking action to contract for the removal of debris
2527 and to prevent or mitigate the spread of fungus, including mold
2528 or mildew, by removing and disposing of wet drywall, insulation,
2529 carpet, cabinetry, or other fixtures on or within the common
2530 areas or facilities or sanitizing the common areas or facilities
2531 ~~association property.~~

2532 (j) Notwithstanding a provision to the contrary, and
2533 regardless of whether such authority does not specifically
2534 appear in the declaration or other recorded governing documents,
2535 levy special assessments without a vote of the owners.

2536 (k) Without owners' approval, borrow money and pledge
2537 association assets as collateral to fund emergency repairs and
2538 carry out the duties of the association if operating funds are
2539 insufficient. This paragraph does not limit the general
2540 authority of the association to borrow money, subject to such
2541 restrictions contained in the declaration or other recorded
2542 governing documents.

2543 (2) The authority granted under subsection (1) is limited
2544 to that time reasonably necessary to protect the health, safety,
2545 and welfare of the association and the parcel owners and their
2546 family members, tenants, guests, agents, or invitees, and to
2547 mitigate further damage, injury, or contagion and make emergency
2548 repairs.

2549 (3) Notwithstanding paragraphs (1) (f)-(i), during a state
2550 of emergency declared by executive order or proclamation of the

2551 Governor pursuant to s. 252.36, an association may not prohibit
2552 parcel owners, tenants, guests, agents, or invitees of a parcel
2553 owner from accessing the common areas and facilities for the
2554 purposes of ingress to and egress from the parcel when access is
2555 necessary in connection with:

2556 (a) The sale, lease, or other transfer of title of a
2557 parcel; or

2558 (b) The habitability of the parcel or for the health and
2559 safety of such person unless a governmental order or
2560 determination, or a public health directive from the Centers for
2561 Disease Control and Prevention, has been issued prohibiting such
2562 access to the parcel. Any such access is subject to reasonable
2563 restrictions adopted by the association.

2564 Section 27. This act shall take effect July 1, 2021.