



26 wholly owned and operated by the association; or

27 (II) A website, application, or web portal operated by a  
 28 third-party provider with whom the association owns, leases,  
 29 rents, or otherwise obtains the right to operate a web page,  
 30 subpage, web portal, collection of subpages or web portals, or  
 31 an application which is dedicated to the association's  
 32 activities and on which required notices, records, and documents  
 33 may be posted or made available by the association.

34 b. The association's website or application must be  
 35 accessible through the Internet and must contain a subpage, web  
 36 portal, or other protected electronic location that is  
 37 inaccessible to the general public and accessible only to unit  
 38 owners and employees of the association.

39 c. Upon a unit owner's written request, the association  
 40 must provide the unit owner with a username and password and  
 41 access to the protected sections of the association's website or  
 42 application which contain any notices, records, or documents  
 43 that must be electronically provided.

44 2. A current copy of the following documents must be  
 45 posted in digital format on the association's website or  
 46 application:

47 a. The recorded declaration of condominium of each  
 48 condominium operated by the association and each amendment to  
 49 each declaration.

50 b. The recorded bylaws of the association and each

51 amendment to the bylaws.

52 c. The articles of incorporation of the association, or  
53 other documents creating the association, and each amendment to  
54 the articles of incorporation or other documents. The copy  
55 posted pursuant to this sub-subparagraph must be a copy of the  
56 articles of incorporation filed with the Department of State.

57 d. The rules of the association.

58 e. A list of all executory contracts or documents to which  
59 the association is a party or under which the association or the  
60 unit owners have an obligation or responsibility and, after  
61 bidding for the related materials, equipment, or services has  
62 closed, a list of bids received by the association within the  
63 past year. Summaries of bids for materials, equipment, or  
64 services which exceed \$500 must be maintained on the website or  
65 application for 1 year. In lieu of summaries, complete copies of  
66 the bids may be posted.

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

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

72 h. The affidavit and educational certificate ~~certification~~  
73 of each director required by s. 718.112(2)(d)4.b.

74 i. All contracts or transactions between the association  
75 and any director, officer, corporation, firm, or association

76 that is not an affiliated condominium association or any other  
77 entity in which an association director is also a director or  
78 officer and financially interested.

79 j. Any contract or document regarding a conflict of  
80 interest or possible conflict of interest as provided in ss.  
81 468.436(2)(b)6. and 718.3027(3).

82 k. The notice of any unit owner meeting and the agenda for  
83 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
84 days before the meeting. The notice must be posted in plain view  
85 on the front page of the website or application, or on a  
86 separate subpage of the website or application labeled "Notices"  
87 which is conspicuously visible and linked from the front page.  
88 The association must also post on its website or application any  
89 document to be considered and voted on by the owners during the  
90 meeting or any document listed on the agenda at least 7 days  
91 before the meeting at which the document or the information  
92 within the document will be considered.

93 1. Notice of any board meeting, the agenda, and any other  
94 document required for the meeting as required by s.  
95 718.112(2)(c), which must be posted no later than the date  
96 required for notice under s. 718.112(2)(c).

97 3. The association shall ensure that the information and  
98 records described in paragraph (c), which are not allowed to be  
99 accessible to unit owners, are not posted on the association's  
100 website or application. If protected information or information

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101 restricted from being accessible to unit owners is included in  
102 documents that are required to be posted on the association's  
103 website or application, the association shall ensure the  
104 information is redacted before posting the documents.  
105 Notwithstanding the foregoing, the association or its agent is  
106 not liable for disclosing information that is protected or  
107 restricted under this paragraph unless such disclosure was made  
108 with a knowing or intentional disregard of the protected or  
109 restricted nature of such information.

110 4. The failure of the association to post information  
111 required under subparagraph 2. is not in and of itself  
112 sufficient to invalidate any action or decision of the  
113 association's board or its committees.

114 Section 2. Paragraph (d) of subsection (2) of section  
115 718.112, Florida Statutes, is amended to read:

116 718.112 Bylaws.—

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

120 (d) *Unit owner meetings.*—

121 1. An annual meeting of the unit owners must be held at  
122 the location provided in the association bylaws and, if the  
123 bylaws are silent as to the location, the meeting must be held  
124 within 45 miles of the condominium property. However, such  
125 distance requirement does not apply to an association governing

126 a timeshare condominium.

127       2. Unless the bylaws provide otherwise, a vacancy on the  
128 board caused by the expiration of a director's term must be  
129 filled by electing a new board member, and the election must be  
130 by secret ballot. An election is not required if the number of  
131 vacancies equals or exceeds the number of candidates. For  
132 purposes of this paragraph, the term "candidate" means an  
133 eligible person who has timely submitted the written notice, as  
134 described in sub-subparagraph 4.a., of his or her intention to  
135 become a candidate. Except in a timeshare or nonresidential  
136 condominium, or if the staggered term of a board member does not  
137 expire until a later annual meeting, or if all members' terms  
138 would otherwise expire but there are no candidates, the terms of  
139 all board members expire at the annual meeting, and such members  
140 may stand for reelection unless prohibited by the bylaws. Board  
141 members may serve terms longer than 1 year if permitted by the  
142 bylaws or articles of incorporation. A board member may not  
143 serve more than 8 consecutive years unless approved by an  
144 affirmative vote of unit owners representing two-thirds of all  
145 votes cast in the election or unless there are not enough  
146 eligible candidates to fill the vacancies on the board at the  
147 time of the vacancy. Only board service that occurs on or after  
148 July 1, 2018, may be used when calculating a board member's term  
149 limit. If the number of board members whose terms expire at the  
150 annual meeting equals or exceeds the number of candidates, the

151 candidates become members of the board effective upon the  
152 adjournment of the annual meeting. Unless the bylaws provide  
153 otherwise, any remaining vacancies shall be filled by the  
154 affirmative vote of the majority of the directors making up the  
155 newly constituted board even if the directors constitute less  
156 than a quorum or there is only one director. In a residential  
157 condominium association of more than 10 units or in a  
158 residential condominium association that does not include  
159 timeshare units or timeshare interests, co-owners of a unit may  
160 not serve as members of the board of directors at the same time  
161 unless they own more than one unit or unless there are not  
162 enough eligible candidates to fill the vacancies on the board at  
163 the time of the vacancy. A unit owner in a residential  
164 condominium desiring to be a candidate for board membership must  
165 comply with sub-subparagraph 4.a. and must be eligible to be a  
166 candidate to serve on the board of directors at the time of the  
167 deadline for submitting a notice of intent to run in order to  
168 have his or her name listed as a proper candidate on the ballot  
169 or to serve on the board. A person who has been suspended or  
170 removed by the division under this chapter, or who is delinquent  
171 in the payment of any assessment due to the association, is not  
172 eligible to be a candidate for board membership and may not be  
173 listed on the ballot. For purposes of this paragraph, a person  
174 is delinquent if a payment is not made by the due date as  
175 specifically identified in the declaration of condominium,

176 bylaws, or articles of incorporation. If a due date is not  
177 specifically identified in the declaration of condominium,  
178 bylaws, or articles of incorporation, the due date is the first  
179 day of the assessment period. A person who has been convicted of  
180 any felony in this state or in a United States District or  
181 Territorial Court, or who has been convicted of any offense in  
182 another jurisdiction which would be considered a felony if  
183 committed in this state, is not eligible for board membership  
184 unless such felon's civil rights have been restored for at least  
185 5 years as of the date such person seeks election to the board.  
186 The validity of an action by the board is not affected if it is  
187 later determined that a board member is ineligible for board  
188 membership due to having been convicted of a felony. This  
189 subparagraph does not limit the term of a member of the board of  
190 a nonresidential or timeshare condominium.

191 3. The bylaws must provide the method of calling meetings  
192 of unit owners, including annual meetings. Written notice of an  
193 annual meeting must include an agenda; be mailed, hand  
194 delivered, or electronically transmitted to each unit owner at  
195 least 14 days before the annual meeting; and be posted in a  
196 conspicuous place on the condominium property or association  
197 property at least 14 continuous days before the annual meeting.  
198 Written notice of a meeting other than an annual meeting must  
199 include an agenda; be mailed, hand delivered, or electronically  
200 transmitted to each unit owner; and be posted in a conspicuous



201 place on the condominium property or association property within  
202 the timeframe specified in the bylaws. If the bylaws do not  
203 specify a timeframe for written notice of a meeting other than  
204 an annual meeting, notice must be provided at least 14  
205 continuous days before the meeting. Upon notice to the unit  
206 owners, the board shall, by duly adopted rule, designate a  
207 specific location on the condominium property or association  
208 property where all notices of unit owner meetings must be  
209 posted. This requirement does not apply if there is no  
210 condominium property for posting notices. In lieu of, or in  
211 addition to, the physical posting of meeting notices, the  
212 association may, by reasonable rule, adopt a procedure for  
213 conspicuously posting and repeatedly broadcasting the notice and  
214 the agenda on a closed-circuit cable television system serving  
215 the condominium association. However, if broadcast notice is  
216 used in lieu of a notice posted physically on the condominium  
217 property, the notice and agenda must be broadcast at least four  
218 times every broadcast hour of each day that a posted notice is  
219 otherwise required under this section. If broadcast notice is  
220 provided, the notice and agenda must be broadcast in a manner  
221 and for a sufficient continuous length of time so as to allow an  
222 average reader to observe the notice and read and comprehend the  
223 entire content of the notice and the agenda. In addition to any  
224 of the authorized means of providing notice of a meeting of the  
225 board, the association may, by rule, adopt a procedure for

226 conspicuously posting the meeting notice and the agenda on a  
227 website serving the condominium association for at least the  
228 minimum period of time for which a notice of a meeting is also  
229 required to be physically posted on the condominium property.  
230 Any rule adopted shall, in addition to other matters, include a  
231 requirement that the association send an electronic notice in  
232 the same manner as a notice for a meeting of the members, which  
233 must include a hyperlink to the website where the notice is  
234 posted, to unit owners whose e-mail addresses are included in  
235 the association's official records. Unless a unit owner waives  
236 in writing the right to receive notice of the annual meeting,  
237 such notice must be hand delivered, mailed, or electronically  
238 transmitted to each unit owner. Notice for meetings and notice  
239 for all other purposes must be mailed to each unit owner at the  
240 address last furnished to the association by the unit owner, or  
241 hand delivered to each unit owner. However, if a unit is owned  
242 by more than one person, the association must provide notice to  
243 the address that the developer identifies for that purpose and  
244 thereafter as one or more of the owners of the unit advise the  
245 association in writing, or if no address is given or the owners  
246 of the unit do not agree, to the address provided on the deed of  
247 record. An officer of the association, or the manager or other  
248 person providing notice of the association meeting, must provide  
249 an affidavit or United States Postal Service certificate of  
250 mailing, to be included in the official records of the

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

253 4. The members of the board of a residential condominium  
254 shall be elected by written ballot or voting machine. Proxies  
255 may not be used in electing the board in general elections or  
256 elections to fill vacancies caused by recall, resignation, or  
257 otherwise, unless otherwise provided in this chapter. This  
258 subparagraph does not apply to an association governing a  
259 timeshare condominium.

260 a. At least 60 days before a scheduled election, the  
261 association shall mail, deliver, or electronically transmit, by  
262 separate association mailing or included in another association  
263 mailing, delivery, or transmission, including regularly  
264 published newsletters, to each unit owner entitled to a vote, a  
265 first notice of the date of the election. A unit owner or other  
266 eligible person desiring to be a candidate for the board must  
267 give written notice of his or her intent to be a candidate to  
268 the association at least 40 days before a scheduled election.  
269 Together with the written notice and agenda as set forth in  
270 subparagraph 3., the association shall mail, deliver, or  
271 electronically transmit a second notice of the election to all  
272 unit owners entitled to vote, together with a ballot that lists  
273 all candidates not less than 14 days or more than 34 days before  
274 the date of the election. Upon request of a candidate, an  
275 information sheet, no larger than 8 1/2 inches by 11 inches,

276 | which must be furnished by the candidate at least 35 days before  
277 | the election, must be included with the mailing, delivery, or  
278 | transmission of the ballot, with the costs of mailing, delivery,  
279 | or electronic transmission and copying to be borne by the  
280 | association. The association is not liable for the contents of  
281 | the information sheets prepared by the candidates. In order to  
282 | reduce costs, the association may print or duplicate the  
283 | information sheets on both sides of the paper. The division  
284 | shall by rule establish voting procedures consistent with this  
285 | sub-subparagraph, including rules establishing procedures for  
286 | giving notice by electronic transmission and rules providing for  
287 | the secrecy of ballots. Elections shall be decided by a  
288 | plurality of ballots cast. There is no quorum requirement;  
289 | however, at least 20 percent of the eligible voters must cast a  
290 | ballot in order to have a valid election. A unit owner may not  
291 | authorize any other person to vote his or her ballot, and any  
292 | ballots improperly cast are invalid. A unit owner who violates  
293 | this provision may be fined by the association in accordance  
294 | with s. 718.303. A unit owner who needs assistance in casting  
295 | the ballot for the reasons stated in s. 101.051 may obtain such  
296 | assistance. The regular election must occur on the date of the  
297 | annual meeting. Notwithstanding this sub-subparagraph, an  
298 | election is not required unless more candidates file notices of  
299 | intent to run or are nominated than board vacancies exist.

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

301 board of an association of a residential condominium, each newly  
 302 elected or appointed director shall do both of the following:

303 (I) Certify by affidavit ~~in writing~~ to the secretary of  
 304 the association that he or she has read the association's  
 305 declaration of condominium, articles of incorporation, bylaws,  
 306 and current written policies; that he or she will work to uphold  
 307 such documents and policies to the best of his or her ability;  
 308 and that he or she will faithfully discharge his or her  
 309 fiduciary responsibility to the association's members. ~~In lieu~~  
 310 ~~of this written certification, within 90 days after being~~  
 311 ~~elected or appointed to the board, the newly elected or~~  
 312 ~~appointed director may~~

313 (II) Submit to the secretary of the association a  
 314 certificate of having satisfactorily completed the educational  
 315 curriculum administered by a division-approved condominium  
 316 education provider within 1 year before or 90 days after the  
 317 date of election or appointment.

318  
 319 The affidavit and ~~written certification or~~ educational  
 320 certificate are ~~is~~ valid and do ~~does~~ not have to be resubmitted  
 321 as long as the director serves on the board without  
 322 interruption. A director of an association of a residential  
 323 condominium who fails to timely file the affidavit and ~~written~~  
 324 ~~certification or~~ educational certificate is suspended from  
 325 service on the board until he or she complies with this sub-

326 subparagraph. The board may temporarily fill the vacancy during  
327 the period of suspension. The ~~secretary shall cause the~~  
328 association must ~~to~~ retain a director's affidavit and ~~written~~  
329 ~~certification or~~ educational certificate for inspection by the  
330 members for 5 years after a director's election or the duration  
331 of the director's uninterrupted tenure, whichever is longer.  
332 Failure to have such affidavit and ~~written certification or~~  
333 educational certificate on file does not affect the validity of  
334 any board action.

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

337 5. Any approval by unit owners called for by this chapter  
338 or the applicable declaration or bylaws, including, but not  
339 limited to, the approval requirement in s. 718.111(8), must be  
340 made at a duly noticed meeting of unit owners and is subject to  
341 all requirements of this chapter or the applicable condominium  
342 documents relating to unit owner decisionmaking, except that  
343 unit owners may take action by written agreement, without  
344 meetings, on matters for which action by written agreement  
345 without meetings is expressly allowed by the applicable bylaws  
346 or declaration or any law that provides for such action.

347 6. Unit owners may waive notice of specific meetings if  
348 allowed by the applicable bylaws or declaration or any law.  
349 Notice of meetings of the board of administration, unit owner  
350 meetings, except unit owner meetings called to recall board

351 members under paragraph (j), and committee meetings may be given  
352 by electronic transmission to unit owners who consent to receive  
353 notice by electronic transmission. A unit owner who consents to  
354 receiving notices by electronic transmission is solely  
355 responsible for removing or bypassing filters that block receipt  
356 of mass e-mails sent to members on behalf of the association in  
357 the course of giving electronic notices.

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

362 8. A unit owner may tape record or videotape a meeting of  
363 the unit owners subject to reasonable rules adopted by the  
364 division.

365 9. Unless otherwise provided in the bylaws, any vacancy  
366 occurring on the board before the expiration of a term may be  
367 filled by the affirmative vote of the majority of the remaining  
368 directors, even if the remaining directors constitute less than  
369 a quorum, or by the sole remaining director. In the alternative,  
370 a board may hold an election to fill the vacancy, in which case  
371 the election procedures must conform to sub-subparagraph 4.a.  
372 unless the association governs 10 units or fewer and has opted  
373 out of the statutory election process, in which case the bylaws  
374 of the association control. Unless otherwise provided in the  
375 bylaws, a board member appointed or elected under this section

376 shall fill the vacancy for the unexpired term of the seat being  
377 filled. Filling vacancies created by recall is governed by  
378 paragraph (j) and rules adopted by the division.

379 10. This chapter does not limit the use of general or  
380 limited proxies, require the use of general or limited proxies,  
381 or require the use of a written ballot or voting machine for any  
382 agenda item or election at any meeting of a timeshare  
383 condominium association or nonresidential condominium  
384 association.

385  
386 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
387 association of 10 or fewer units may, by affirmative vote of a  
388 majority of the total voting interests, provide for different  
389 voting and election procedures in its bylaws, which may be by a  
390 proxy specifically delineating the different voting and election  
391 procedures. The different voting and election procedures may  
392 provide for elections to be conducted by limited or general  
393 proxy.

394 Section 3. Paragraph (d) of subsection (1) of section  
395 719.106, Florida Statutes, is amended to read:

396 719.106 Bylaws; cooperative ownership.—

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

400 (d) *Shareholder meetings*.—There shall be an annual meeting



401 of the shareholders. All members of the board of administration  
402 shall be elected at the annual meeting unless the bylaws provide  
403 for staggered election terms or for their election at another  
404 meeting. Any unit owner desiring to be a candidate for board  
405 membership must comply with subparagraph 1. The bylaws must  
406 provide the method for calling meetings, including annual  
407 meetings. Written notice, which must incorporate an  
408 identification of agenda items, shall be given to each unit  
409 owner at least 14 days before the annual meeting and posted in a  
410 conspicuous place on the cooperative property at least 14  
411 continuous days preceding the annual meeting. Upon notice to the  
412 unit owners, the board must by duly adopted rule designate a  
413 specific location on the cooperative property upon which all  
414 notice of unit owner meetings are posted. In lieu of or in  
415 addition to the physical posting of the meeting notice, the  
416 association may, by reasonable rule, adopt a procedure for  
417 conspicuously posting and repeatedly broadcasting the notice and  
418 the agenda on a closed-circuit cable television system serving  
419 the cooperative association. However, if broadcast notice is  
420 used in lieu of a posted notice, the notice and agenda must be  
421 broadcast at least four times every broadcast hour of each day  
422 that a posted notice is otherwise required under this section.  
423 If broadcast notice is provided, the notice and agenda must be  
424 broadcast in a manner and for a sufficient continuous length of  
425 time to allow an average reader to observe the notice and read

426 and comprehend the entire content of the notice and the agenda.  
427 In addition to any of the authorized means of providing notice  
428 of a meeting of the shareholders, the association may, by rule,  
429 adopt a procedure for conspicuously posting the meeting notice  
430 and the agenda on a website serving the cooperative association  
431 for at least the minimum period of time for which a notice of a  
432 meeting is also required to be physically posted on the  
433 cooperative property. Any rule adopted shall, in addition to  
434 other matters, include a requirement that the association send  
435 an electronic notice in the same manner as a notice for a  
436 meeting of the members, which must include a hyperlink to the  
437 website where the notice is posted, to unit owners whose e-mail  
438 addresses are included in the association's official records.  
439 Unless a unit owner waives in writing the right to receive  
440 notice of the annual meeting, the notice of the annual meeting  
441 must be sent by mail, hand delivered, or electronically  
442 transmitted to each unit owner. An officer of the association  
443 must provide an affidavit or United States Postal Service  
444 certificate of mailing, to be included in the official records  
445 of the association, affirming that notices of the association  
446 meeting were mailed, hand delivered, or electronically  
447 transmitted, in accordance with this provision, to each unit  
448 owner at the address last furnished to the association.

449 1. The board of administration shall be elected by written  
450 ballot or voting machine. A proxy may not be used in electing

451 the board of administration in general elections or elections to  
452 fill vacancies caused by recall, resignation, or otherwise  
453 unless otherwise provided in this chapter.

454 a. At least 60 days before a scheduled election, the  
455 association shall mail, deliver, or transmit, whether by  
456 separate association mailing, delivery, or electronic  
457 transmission or included in another association mailing,  
458 delivery, or electronic transmission, including regularly  
459 published newsletters, to each unit owner entitled to vote, a  
460 first notice of the date of the election. Any unit owner or  
461 other eligible person desiring to be a candidate for the board  
462 of administration must give written notice to the association at  
463 least 40 days before a scheduled election. Together with the  
464 written notice and agenda as set forth in this section, the  
465 association shall mail, deliver, or electronically transmit a  
466 second notice of election to all unit owners entitled to vote,  
467 together with a ballot that lists all candidates. Upon request  
468 of a candidate, the association shall include an information  
469 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
470 furnished by the candidate at least 35 days before the election,  
471 to be included with the mailing, delivery, or electronic  
472 transmission of the ballot, with the costs of mailing, delivery,  
473 or transmission and copying to be borne by the association. The  
474 association is not liable for the contents of the information  
475 sheets provided by the candidates. In order to reduce costs, the

476 association may print or duplicate the information sheets on  
477 both sides of the paper. The division shall by rule establish  
478 voting procedures consistent with this subparagraph, including  
479 rules establishing procedures for giving notice by electronic  
480 transmission and rules providing for the secrecy of ballots.  
481 Elections shall be decided by a plurality of those ballots cast.  
482 There is no quorum requirement. However, at least 20 percent of  
483 the eligible voters must cast a ballot in order to have a valid  
484 election. A unit owner may not permit any other person to vote  
485 his or her ballot, and any such ballots improperly cast are  
486 invalid. A unit owner who needs assistance in casting the ballot  
487 for the reasons stated in s. 101.051 may obtain assistance in  
488 casting the ballot. Any unit owner violating this provision may  
489 be fined by the association in accordance with s. 719.303. The  
490 regular election must occur on the date of the annual meeting.  
491 This subparagraph does not apply to timeshare cooperatives.  
492 Notwithstanding this subparagraph, an election and balloting are  
493 not required unless more candidates file a notice of intent to  
494 run or are nominated than vacancies exist on the board. Any  
495 challenge to the election process must be commenced within 60  
496 days after the election results are announced.

497 b. Within 90 days after being elected or appointed to the  
498 board, each new director shall do both of the following:

499 (I) Certify by affidavit ~~in writing~~ to the secretary of  
500 the association that he or she has read the association's

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501 bylaws, articles of incorporation, proprietary lease, and  
502 current written policies; that he or she will work to uphold  
503 such documents and policies to the best of his or her ability;  
504 and that he or she will faithfully discharge his or her  
505 fiduciary responsibility to the association's members. ~~Within 90~~  
506 ~~days after being elected or appointed to the board, in lieu of~~  
507 ~~this written certification, the newly elected or appointed~~  
508 ~~director may~~

509 (II) Submit to the secretary of the association a  
510 certificate of having satisfactorily completed the educational  
511 curriculum administered by an education provider as approved by  
512 the division pursuant to the requirements established in chapter  
513 718 within 1 year before or 90 days after the date of election  
514 or appointment.

515  
516 The affidavit and educational certificate are ~~is~~ valid and do  
517 ~~does~~ not have to be resubmitted as long as the director serves  
518 on the board without interruption. A director who fails to  
519 timely file the affidavit and ~~written certification or~~  
520 educational certificate is suspended from service on the board  
521 until he or she complies with this sub-subparagraph. The board  
522 may temporarily fill the vacancy during the period of  
523 suspension. The ~~secretary of the association~~ must ~~shall~~ cause  
524 ~~the association to~~ retain a director's affidavit and ~~written~~  
525 ~~certification or~~ educational certificate for inspection by the

526 members for 5 years after a director's election or the duration  
527 of the director's uninterrupted tenure, whichever is longer.  
528 Failure to have such affidavit and ~~written certification or~~  
529 educational certificate on file does not affect the validity of  
530 any board action.

531 2. Any approval by unit owners called for by this chapter,  
532 or the applicable cooperative documents, must be made at a duly  
533 noticed meeting of unit owners and is subject to this chapter or  
534 the applicable cooperative documents relating to unit owner  
535 decisionmaking, except that unit owners may take action by  
536 written agreement, without meetings, on matters for which action  
537 by written agreement without meetings is expressly allowed by  
538 the applicable cooperative documents or law which provides for  
539 the unit owner action.

540 3. Unit owners may waive notice of specific meetings if  
541 allowed by the applicable cooperative documents or law. Notice  
542 of meetings of the board of administration, shareholder  
543 meetings, except shareholder meetings called to recall board  
544 members under paragraph (f), and committee meetings may be given  
545 by electronic transmission to unit owners who consent to receive  
546 notice by electronic transmission. A unit owner who consents to  
547 receiving notices by electronic transmission is solely  
548 responsible for removing or bypassing filters that may block  
549 receipt of mass emails sent to members on behalf of the  
550 association in the course of giving electronic notices.

551           4. Unit owners have the right to participate in meetings  
552 of unit owners with reference to all designated agenda items.  
553 However, the association may adopt reasonable rules governing  
554 the frequency, duration, and manner of unit owner participation.

555           5. Any unit owner may tape record or videotape meetings of  
556 the unit owners subject to reasonable rules adopted by the  
557 division.

558           6. Unless otherwise provided in the bylaws, a vacancy  
559 occurring on the board before the expiration of a term may be  
560 filled by the affirmative vote of the majority of the remaining  
561 directors, even if the remaining directors constitute less than  
562 a quorum, or by the sole remaining director. In the alternative,  
563 a board may hold an election to fill the vacancy, in which case  
564 the election procedures must conform to the requirements of  
565 subparagraph 1. unless the association has opted out of the  
566 statutory election process, in which case the bylaws of the  
567 association control. Unless otherwise provided in the bylaws, a  
568 board member appointed or elected under this subparagraph shall  
569 fill the vacancy for the unexpired term of the seat being  
570 filled. Filling vacancies created by recall is governed by  
571 paragraph (f) and rules adopted by the division.

572  
573 Notwithstanding subparagraphs (b)2. and (d)1., an association  
574 may, by the affirmative vote of a majority of the total voting  
575 interests, provide for a different voting and election procedure

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576 in its bylaws, which vote may be by a proxy specifically  
577 delineating the different voting and election procedures. The  
578 different voting and election procedures may provide for  
579 elections to be conducted by limited or general proxy.

580 Section 4. Subsection (1) of section 720.3033, Florida  
581 Statutes, is amended to read:

582 720.3033 Officers and directors.—

583 (1)(a) Within 90 days after being elected or appointed to  
584 the board of a homeowners' association with at least 10 parcels,  
585 each director shall do both of the following:

586 1. Certify by affidavit ~~in writing~~ to the secretary of the  
587 association that he or she has read the association's  
588 declaration of covenants, articles of incorporation, bylaws, and  
589 current written rules and policies; that he or she will work to  
590 uphold such documents and policies to the best of his or her  
591 ability; and that he or she will faithfully discharge his or her  
592 fiduciary responsibility to the association's members. ~~Within 90~~  
593 ~~days after being elected or appointed to the board, in lieu of~~  
594 ~~such written certification, the newly elected or appointed~~  
595 ~~director may~~

596 2. Submit to the secretary of the association a  
597 certificate of having satisfactorily completed the educational  
598 curriculum administered by a division-approved education  
599 provider within 1 year before or 90 days after the date of  
600 election or appointment.



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601           (b) The affidavit and ~~written certification or~~ educational  
602 certificate are is valid and do not have to be resubmitted for  
603 the uninterrupted tenure of the director on the board. A  
604 director who does not timely file the affidavit and ~~written~~  
605 ~~certification or~~ educational certificate is ~~shall be~~ suspended  
606 from the board until he or she complies with the requirement.  
607 The board may temporarily fill the vacancy during the period of  
608 suspension.

609           (c) The association must ~~shall~~ retain each director's  
610 affidavit and ~~written certification or~~ educational certificate  
611 for inspection by the members for 5 years after the director's  
612 election. However, the failure to have the affidavit and ~~written~~  
613 ~~certification or~~ educational certificate on file does not affect  
614 the validity of any board action.

615           Section 5. This act shall take effect July 1, 2022.