

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Shoaf offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 159-1030 and insert:

5 Section 4. Paragraph (e) of subsection (3) of section
6 194.011, Florida Statutes, is amended to read:

7 194.011 Assessment notice; objections to assessments.—

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

10 Notwithstanding s. 195.022, a county officer may not refuse to
11 accept a form provided by the department for this purpose if the
12 taxpayer chooses to use it. A petition to the value adjustment

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13 board must be signed by the taxpayer or be accompanied at the
14 time of filing by the taxpayer's written authorization or power
15 of attorney, unless the person filing the petition is listed in
16 s. 194.034(1) (a). A person listed in s. 194.034(1) (a) may file a
17 petition with a value adjustment board without the taxpayer's
18 signature or written authorization by certifying under penalty
19 of perjury that he or she has authorization to file the petition
20 on behalf of the taxpayer. If a taxpayer notifies the value
21 adjustment board that a petition has been filed for the
22 taxpayer's property without his or her consent, the value
23 adjustment board may require the person filing the petition to
24 provide written authorization from the taxpayer authorizing the
25 person to proceed with the appeal before a hearing is held. If
26 the value adjustment board finds that a person listed in s.
27 194.034(1) (a) willfully and knowingly filed a petition that was
28 not authorized by the taxpayer, the value adjustment board shall
29 require such person to provide the taxpayer's written
30 authorization for representation to the value adjustment board
31 clerk before any petition filed by that person is heard, for 1
32 year after imposition of such requirement by the value
33 adjustment board. A power of attorney or written authorization
34 is valid for 1 assessment year, and a new power of attorney or
35 written authorization by the taxpayer is required for each
36 subsequent assessment year. A petition shall also describe the
37 property by parcel number and shall be filed as follows:

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38 (e)1. A condominium association, as defined in s. 718.103,
39 a cooperative association, as defined in s. 719.103, or any
40 homeowners' association, as defined in s. 720.301 ~~s. 723.075,~~
41 with approval of its board of administration or directors, may
42 file with the value adjustment board a single joint petition on
43 behalf of any association members who own units or parcels of
44 property which the property appraiser determines are
45 substantially similar with respect to location, proximity to
46 amenities, number of rooms, living area, and condition. The
47 condominium association, cooperative association, or homeowners'
48 association ~~as defined in s. 723.075~~ shall provide the unit or
49 parcel owners with notice of its intent to petition the value
50 adjustment board by hand delivery or certified mail, return
51 receipt requested, except that such notice may be electronically
52 transmitted to a unit owner or parcel owner who has expressly
53 consented in writing to receiving such notices by electronic
54 transmission. If the association is a condominium or cooperative
55 association, the notice must also be posted conspicuously on the
56 condominium or cooperative property in the same manner as notice
57 of board meetings under ss. 718.112(2) and 719.106(1). Such
58 notice must ~~and shall~~ provide at least 14 ~~20~~ days for a unit or
59 parcel owner to elect, in writing, that his or her unit or
60 parcel not be included in the petition.

61 2. A condominium association, as defined in s. 718.103, a
62 cooperative association, as defined in s. 719.103, or a

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

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

72 194.181 Parties to a tax suit.—

73 (2) (a) In any case brought by a ~~the~~ taxpayer or a
74 condominium, cooperative, or homeowners' association, as defined
75 in ss. 718.103, 719.103, and 720.301, respectively, on behalf of
76 some or all unit owners, contesting the assessment of any
77 property, the county property appraiser is the ~~shall be~~ party
78 defendant.

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

82 (c)1. In any case brought by the property appraiser under
83 s. 194.036(1) (a) or (b) concerning a value adjustment board
84 decision on a single joint petition filed by a condominium,
85 cooperative, or homeowners' association under s. 194.011(3), the
86 association and all unit or parcel owners included in the single
87 joint petition are the party defendants.

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88 2. The condominium, cooperative, or homeowners'
89 association must provide unit or parcel owners with notice of
90 its intent to respond to or answer the property appraiser's
91 complaint and advise the unit or parcel owners that they may
92 elect to:

- 93 a. Retain their own counsel to defend the appeal;
94 b. Choose not to defend the appeal; or
95 c. Be represented together with other unit or parcel
96 owners by the association.

97 3. The notice required in subparagraph 2. must be hand
98 delivered or sent by certified mail, return receipt requested,
99 to the unit or parcel owners, except that such notice may be
100 electronically transmitted to a unit or parcel owner who has
101 expressly consented in writing to receiving notices through
102 electronic transmission. Additionally, the notice must be posted
103 conspicuously on the condominium or cooperative property, if
104 applicable, in the same manner as notice of board meetings under
105 ss. 718.112(2) and 719.106(1). The association must provide at
106 least 14 days for a unit or parcel owner to respond to the
107 notice. Any unit or parcel owner who does not respond to the
108 association's notice will be represented by the association.

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

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112 Section 6. Paragraph (a) of subsection (2) of section
113 514.0115, Florida Statutes, is amended to read:

114 514.0115 Exemptions from supervision or regulation;
115 variances.—

116 (2) (a) Pools serving condominium, cooperative, and
117 homeowners' associations, as well as other property
118 associations, which have no more than 32 ~~condominium or~~
119 ~~cooperative~~ units or parcels and which are not operated as a
120 public lodging establishments are establishment shall be exempt
121 from supervision under this chapter, except for water quality.

122 Section 7. Section 548.003, Florida Statutes, is amended
123 to read:

124 548.003 Florida Athletic ~~State Boxing~~ Commission.—

125 (1) The Florida Athletic ~~State Boxing~~ Commission is
126 created and is assigned to the Department of Business and
127 Professional Regulation for administrative and fiscal
128 accountability purposes only. The ~~Florida State Boxing~~
129 commission shall consist of five members appointed by the
130 Governor, subject to confirmation by the Senate. One member must
131 be a physician licensed pursuant to chapter 458 or chapter 459,
132 who must maintain an unencumbered license in good standing, and
133 who must, at the time of her or his appointment, have practiced
134 medicine for at least 5 years. Upon the expiration of the term
135 of a commissioner, the Governor shall appoint a successor to
136 serve for a 4-year term. A commissioner whose term has expired

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137 shall continue to serve on the commission until such time as a
138 replacement is appointed. If a vacancy on the commission occurs
139 before ~~prior to~~ the expiration of the term, it shall be filled
140 for the unexpired portion of the term in the same manner as the
141 original appointment.

142 (2) The ~~Florida State Boxing~~ commission, as created by
143 subsection (1), shall administer the provisions of this chapter.
144 The commission has authority to adopt rules pursuant to ss.
145 120.536(1) and 120.54 to implement the provisions of this
146 chapter and to implement each of the duties and responsibilities
147 conferred upon the commission, including, but not limited to:

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

150 (b) Facility and safety requirements relating to the ring,
151 floor plan and apron seating, emergency medical equipment and
152 services, and other equipment and services necessary for the
153 conduct of a program of matches.

154 (c) Requirements regarding a participant's apparel,
155 bandages, handwraps, gloves, mouthpiece, and appearance during a
156 match.

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

159 (e) Duties and responsibilities of all licensees under
160 this chapter.

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

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

163 (h) Qualifications for and appointment of chief inspectors
164 and inspectors and duties and responsibilities of chief
165 inspectors and inspectors with respect to oversight and
166 coordination of activities for each program of matches regulated
167 under this chapter.

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

169 (j) Setting fee and reimbursement schedules for referees
170 and other officials appointed by the commission or the
171 representative of the commission.

172 (k) Establishment of criteria for approval, disapproval,
173 suspension of approval, and revocation of approval of amateur
174 sanctioning organizations for amateur boxing, kickboxing, and
175 mixed martial arts held in this state, including, but not
176 limited to, the health and safety standards the organizations
177 use before, during, and after the matches to ensure the health,
178 safety, and well-being of the amateurs participating in the
179 matches, including the qualifications and numbers of health care
180 personnel required to be present, the qualifications required
181 for referees, and other requirements relating to the health,
182 safety, and well-being of the amateurs participating in the
183 matches. The commission may adopt by rule, or incorporate by
184 reference into rule, the health and safety standards of USA
185 Boxing as the minimum health and safety standards for an amateur
186 boxing sanctioning organization, the health and safety standards

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187 of the International Sport Kickboxing Association as the minimum
188 health and safety standards for an amateur kickboxing
189 sanctioning organization, and the minimum health and safety
190 standards for an amateur mixed martial arts sanctioning
191 organization. The commission shall review its rules for
192 necessary revision at least every 2 years and may adopt by rule,
193 or incorporate by reference into rule, the then-existing current
194 health and safety standards of USA Boxing and the International
195 Sport Kickboxing Association. The commission may adopt emergency
196 rules to administer this paragraph.

197 (3) The commission shall maintain an office in
198 Tallahassee. At the first meeting of the commission after June 1
199 of each year, the commission shall select a chair and a vice
200 chair from among its membership. Three members shall constitute
201 a quorum and the concurrence of at least three members is
202 necessary for official commission action.

203 (4) Three consecutive unexcused absences or absences
204 constituting 50 percent or more of the commission's meetings
205 within any 12-month period shall cause the commission membership
206 of the member in question to become void, and the position shall
207 be considered vacant. The commission shall, by rule, define
208 unexcused absences.

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

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212 complaint or unfavorable report received by the Governor or the
213 department concerning an action of the commission or any member
214 and shall take appropriate action thereon. The Governor may
215 remove from office any member for malfeasance, unethical
216 conduct, misfeasance, neglect of duty, incompetence, permanent
217 inability to perform official duties, or pleading guilty or nolo
218 contendere to or being found guilty of a felony.

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

223 (7) The commission shall be authorized to join and
224 participate in the activities of the Association of Boxing
225 Commissions (ABC).

226 (8) The department shall provide all legal and
227 investigative services necessary to implement this chapter. The
228 department may adopt rules as provided in ss. 120.536(1) and
229 120.54 to carry out its duties under this chapter.

230 Section 8. Subsection (3) of section 548.043, Florida
231 Statutes, is amended to read:

232 548.043 Weights and classes, limitations; gloves.-

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

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237 ~~matches shall wear gloves weighing not less than 8 ounces each~~
238 ~~and participants in mixed martial arts matches shall wear gloves~~
239 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
240 protective devices as the commission deems necessary.

241 Section 9. Subsection (20) of section 561.01, Florida
242 Statutes, is amended to read:

243 561.01 Definitions.—As used in the Beverage Law:

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

246 Section 10. Subsections (1) and (2) of section 561.17,
247 Florida Statutes, are amended, and subsection (5) is added to
248 that section, to read:

249 561.17 License and registration applications; approved
250 person.—

251 (1) Any person, before engaging in the business of
252 manufacturing, bottling, distributing, selling, or in any way
253 dealing in alcoholic beverages, shall file, with the district
254 licensing personnel of the district of the division in which the
255 place of business for which a license is sought is located, a
256 sworn application in the format prescribed by the division. The
257 applicant must be a legal or business entity, person, or persons
258 and must include all persons, officers, shareholders, and
259 directors of such legal or business entity that have a direct or
260 indirect interest in the business seeking to be licensed under
261 this part. However, the applicant does not include any person

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262 that derives revenue from the license solely through a
263 contractual relationship with the licensee, the substance of
264 which contractual relationship is not related to the control of
265 the sale of alcoholic beverages. Before any application is
266 approved, the division may require the applicant to file a set
267 of fingerprints electronically through an approved electronic
268 fingerprinting vendor or ~~on regular United States Department of~~
269 ~~Justice forms~~ prescribed by the Florida Department of Law
270 Enforcement for herself or himself and for any person or persons
271 interested directly or indirectly with the applicant in the
272 business for which the license is being sought, when required by
273 the division. If the applicant or any person who is interested
274 with the applicant either directly or indirectly in the business
275 or who has a security interest in the license being sought or
276 has a right to a percentage payment from the proceeds of the
277 business, either by lease or otherwise, is not qualified, the
278 division shall deny the application. However, any company
279 regularly traded on a national securities exchange and not over
280 the counter; any insurer, as defined in the Florida Insurance
281 Code; or any bank or savings and loan association chartered by
282 this state, another state, or the United States which has an
283 interest, directly or indirectly, in an alcoholic beverage
284 license is not required to obtain the division's approval of its
285 officers, directors, or stockholders or any change of such
286 positions or interests. A shopping center with five or more

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287 stores, one or more of which has an alcoholic beverage license
288 and is required under a lease common to all shopping center
289 tenants to pay no more than 10 percent of the gross proceeds of
290 the business holding the license to the shopping center, is not
291 considered as having an interest, directly or indirectly, in the
292 license. A performing arts center, as defined in s. 561.01,
293 which has an interest, directly or indirectly, in an alcoholic
294 beverage license is not required to obtain division approval of
295 its volunteer officers or directors or of any change in such
296 positions or interests.

297 (2) All applications for any alcoholic beverage license
298 must be accompanied by proof of the applicant's right of
299 occupancy for the entire premises sought to be licensed. All
300 applications for alcoholic beverage licenses for consumption on
301 the premises shall be accompanied by a certificate of the
302 Division of Hotels and Restaurants of the Department of Business
303 and Professional Regulation, the Department of Agriculture and
304 Consumer Services, the Department of Health, the Agency for
305 Health Care Administration, or the county health department that
306 the place of business wherein the business is to be conducted
307 meets all of the sanitary requirements of the state.

308 (5) Any person or entity licensed or permitted by the
309 division must provide an electronic mail address to the division
310 to function as the primary contact for all communication by the
311 division to the licensee or permittees. Licensees and permittees

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312 are responsible for maintaining accurate contact information on
313 file with the division.

314 Section 11. Paragraph (a) of subsection (2) of section
315 561.20, Florida Statutes, is amended to read:

316 561.20 Limitation upon number of licenses issued.—

317 (2) (a) The limitation of the number of licenses as
318 provided in this section does not prohibit the issuance of a
319 special license to:

320 1. Any bona fide hotel, motel, or motor court of not fewer
321 than 80 guest rooms in any county having a population of less
322 than 50,000 residents, and of not fewer than 100 guest rooms in
323 any county having a population of 50,000 residents or greater;
324 or any bona fide hotel or motel located in a historic structure,
325 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
326 guest rooms which derives at least 51 percent of its gross
327 revenue from the rental of hotel or motel rooms, which is
328 licensed as a public lodging establishment by the Division of
329 Hotels and Restaurants; provided, however, that a bona fide
330 hotel or motel with no fewer than 10 and no more than 25 guest
331 rooms which is a historic structure, as defined in s. 561.01(20)
332 ~~s. 561.01(21)~~, in a municipality that on the effective date of
333 this act has a population, according to the University of
334 Florida's Bureau of Economic and Business Research Estimates of
335 Population for 1998, of no fewer than 25,000 and no more than
336 35,000 residents and that is within a constitutionally chartered

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337 county may be issued a special license. This special license
338 shall allow the sale and consumption of alcoholic beverages only
339 on the licensed premises of the hotel or motel. In addition, the
340 hotel or motel must derive at least 60 percent of its gross
341 revenue from the rental of hotel or motel rooms and the sale of
342 food and nonalcoholic beverages; provided that this subparagraph
343 shall supersede local laws requiring a greater number of hotel
344 rooms;

345 2. Any condominium accommodation of which no fewer than
346 100 condominium units are wholly rentable to transients and
347 which is licensed under chapter 509, except that the license
348 shall be issued only to the person or corporation that operates
349 the hotel or motel operation and not to the association of
350 condominium owners;

351 3. Any condominium accommodation of which no fewer than 50
352 condominium units are wholly rentable to transients, which is
353 licensed under chapter 509, and which is located in any county
354 having home rule under s. 10 or s. 11, Art. VIII of the State
355 Constitution of 1885, as amended, and incorporated by reference
356 in s. 6(e), Art. VIII of the State Constitution, except that the
357 license shall be issued only to the person or corporation that
358 operates the hotel or motel operation and not to the association
359 of condominium owners;

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

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362 one time, and derives at least 51 percent of its gross food and
363 beverage revenue from the sale of food and nonalcoholic
364 beverages during the first 120-day ~~60-day~~ operating period and
365 the first ~~each~~ 12-month operating period thereafter. Subsequent
366 audit timeframes must be based upon the audit percentage
367 established by the most recent audit and conducted on a
368 staggered scale as follows: level 1, 51 percent to 60 percent,
369 every year; level 2, 61 percent to 75 percent, every 2 years;
370 level 3, 76 percent to 90 percent, every 3 years; and level 4,
371 91 percent to 100 percent, every 4 years. A food service
372 establishment granted a special license on or after January 1,
373 1958, pursuant to general or special law may not operate as a
374 package store and may not sell intoxicating beverages under such
375 license after the hours of serving or consumption of food have
376 elapsed. Failure by a licensee to meet the required percentage
377 of food and nonalcoholic beverage gross revenues during the
378 covered operating period shall result in revocation of the
379 license or denial of the pending license application. A licensee
380 whose license is revoked or an applicant whose pending
381 application is denied, or any person required to qualify on the
382 special license application, is ineligible to have any interest
383 in a subsequent application for such a license for a period of
384 120 days after the date of the final denial or revocation;

385 5. Any caterer, deriving at least 51 percent of its gross
386 food and beverage revenue from the sale of food and nonalcoholic

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387 beverages at each catered event, licensed by the Division of
388 Hotels and Restaurants under chapter 509. This subparagraph does
389 not apply to a culinary education program, as defined in s.
390 381.0072(2), which is licensed as a public food service
391 establishment by the Division of Hotels and Restaurants and
392 provides catering services. Notwithstanding any law to the
393 contrary, a licensee under this subparagraph shall sell or serve
394 alcoholic beverages only for consumption on the premises of a
395 catered event at which the licensee is also providing prepared
396 food, and shall prominently display its license at any catered
397 event at which the caterer is selling or serving alcoholic
398 beverages. A licensee under this subparagraph shall purchase all
399 alcoholic beverages it sells or serves at a catered event from a
400 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
401 under s. 565.02(1) subject to the limitation imposed in
402 subsection (1), as appropriate. A licensee under this
403 subparagraph may not store any alcoholic beverages to be sold or
404 served at a catered event. Any alcoholic beverages purchased by
405 a licensee under this subparagraph for a catered event that are
406 not used at that event must remain with the customer; provided
407 that if the vendor accepts unopened alcoholic beverages, the
408 licensee may return such alcoholic beverages to the vendor for a
409 credit or reimbursement. Regardless of the county or counties in
410 which the licensee operates, a licensee under this subparagraph
411 shall pay the annual state license tax set forth in s.

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412 565.02(1)(b). A licensee under this subparagraph must maintain
413 for a period of 3 years all records and receipts for each
414 catered event, including all contracts, customers' names, event
415 locations, event dates, food purchases and sales, alcoholic
416 beverage purchases and sales, nonalcoholic beverage purchases
417 and sales, and any other records required by the department by
418 rule to demonstrate compliance with the requirements of this
419 subparagraph. Notwithstanding any law to the contrary, any
420 vendor licensed under s. 565.02(1) subject to the limitation
421 imposed in subsection (1), may, without any additional licensure
422 under this subparagraph, serve or sell alcoholic beverages for
423 consumption on the premises of a catered event at which prepared
424 food is provided by a caterer licensed under chapter 509. If a
425 licensee under this subparagraph also possesses any other
426 license under the Beverage Law, the license issued under this
427 subparagraph shall not authorize the holder to conduct
428 activities on the premises to which the other license or
429 licenses apply that would otherwise be prohibited by the terms
430 of that license or the Beverage Law. Nothing in this section
431 shall permit the licensee to conduct activities that are
432 otherwise prohibited by the Beverage Law or local law. The
433 Division of Alcoholic Beverages and Tobacco is hereby authorized
434 to adopt rules to administer the license created in this
435 subparagraph, to include rules governing licensure,
436 recordkeeping, and enforcement. The first \$300,000 in fees

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437 collected by the division each fiscal year pursuant to this
438 subparagraph shall be deposited in the Department of Children
439 and Families' Operations and Maintenance Trust Fund to be used
440 only for alcohol and drug abuse education, treatment, and
441 prevention programs. The remainder of the fees collected shall
442 be deposited into the Hotel and Restaurant Trust Fund created
443 pursuant to s. 509.072; or

444 6. A culinary education program as defined in s.
445 381.0072(2) which is licensed as a public food service
446 establishment by the Division of Hotels and Restaurants.

447 a. This special license shall allow the sale and
448 consumption of alcoholic beverages on the licensed premises of
449 the culinary education program. The culinary education program
450 shall specify designated areas in the facility where the
451 alcoholic beverages may be consumed at the time of application.
452 Alcoholic beverages sold for consumption on the premises may be
453 consumed only in areas designated pursuant to s. 561.01(11) and
454 may not be removed from the designated area. Such license shall
455 be applicable only in and for designated areas used by the
456 culinary education program.

457 b. If the culinary education program provides catering
458 services, this special license shall also allow the sale and
459 consumption of alcoholic beverages on the premises of a catered
460 event at which the licensee is also providing prepared food. A
461 culinary education program that provides catering services is

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462 not required to derive at least 51 percent of its gross revenue
463 from the sale of food and nonalcoholic beverages.
464 Notwithstanding any law to the contrary, a licensee that
465 provides catering services under this sub-subparagraph shall
466 prominently display its beverage license at any catered event at
467 which the caterer is selling or serving alcoholic beverages.
468 Regardless of the county or counties in which the licensee
469 operates, a licensee under this sub-subparagraph shall pay the
470 annual state license tax set forth in s. 565.02(1)(b). A
471 licensee under this sub-subparagraph must maintain for a period
472 of 3 years all records required by the department by rule to
473 demonstrate compliance with the requirements of this sub-
474 subparagraph.

475 c. If a licensee under this subparagraph also possesses
476 any other license under the Beverage Law, the license issued
477 under this subparagraph does not authorize the holder to conduct
478 activities on the premises to which the other license or
479 licenses apply that would otherwise be prohibited by the terms
480 of that license or the Beverage Law. Nothing in this
481 subparagraph shall permit the licensee to conduct activities
482 that are otherwise prohibited by the Beverage Law or local law.
483 Any culinary education program that holds a license to sell
484 alcoholic beverages shall comply with the age requirements set
485 forth in ss. 562.11(4), 562.111(2), and 562.13.

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486 d. The Division of Alcoholic Beverages and Tobacco may
487 adopt rules to administer the license created in this
488 subparagraph, to include rules governing licensure,
489 recordkeeping, and enforcement.

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

493

494 However, any license heretofore issued to any such hotel, motel,
495 motor court, or restaurant or hereafter issued to any such
496 hotel, motel, or motor court, including a condominium
497 accommodation, under the general law shall not be moved to a new
498 location, such license being valid only on the premises of such
499 hotel, motel, motor court, or restaurant. Licenses issued to
500 hotels, motels, motor courts, or restaurants under the general
501 law and held by such hotels, motels, motor courts, or
502 restaurants on May 24, 1947, shall be counted in the quota
503 limitation contained in subsection (1). Any license issued for
504 any hotel, motel, or motor court under this law shall be issued
505 only to the owner of the hotel, motel, or motor court or, in the
506 event the hotel, motel, or motor court is leased, to the lessee
507 of the hotel, motel, or motor court; and the license shall
508 remain in the name of the owner or lessee so long as the license
509 is in existence. Any special license now in existence heretofore
510 issued under this law cannot be renewed except in the name of

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511 the owner of the hotel, motel, motor court, or restaurant or, in
512 the event the hotel, motel, motor court, or restaurant is
513 leased, in the name of the lessee of the hotel, motel, motor
514 court, or restaurant in which the license is located and must
515 remain in the name of the owner or lessee so long as the license
516 is in existence. Any license issued under this section shall be
517 marked "Special," and nothing herein provided shall limit,
518 restrict, or prevent the issuance of a special license for any
519 restaurant or motel which shall hereafter meet the requirements
520 of the law existing immediately prior to the effective date of
521 this act, if construction of such restaurant has commenced prior
522 to the effective date of this act and is completed within 30
523 days thereafter, or if an application is on file for such
524 special license at the time this act takes effect; and any such
525 licenses issued under this proviso may be annually renewed as
526 now provided by law. Nothing herein prevents an application for
527 transfer of a license to a bona fide purchaser of any hotel,
528 motel, motor court, or restaurant by the purchaser of such
529 facility or the transfer of such license pursuant to law.

530 Section 12. Subsection (4) of section 561.42, Florida
531 Statutes, is amended to read:

532 561.42 Tied house evil; financial aid and assistance to
533 vendor by manufacturer, distributor, importer, primary American
534 source of supply, brand owner or registrant, or any broker,

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535 sales agent, or sales person thereof, prohibited; procedure for
536 enforcement; exception.-

537 (4) Before the division shall so declare and prohibit such
538 sales to such vendor, ~~it shall~~, within 2 days after receipt of
539 such notice, the division shall give ~~written~~ notice to such
540 vendor by electronic mail of the receipt by the division of such
541 notification of delinquency and such vendor shall be directed to
542 forthwith make payment thereof or, upon failure to do so, to
543 show cause before the division why further sales to such vendor
544 shall not be prohibited. Good and sufficient cause to prevent
545 such action by the division may be made by showing payment,
546 failure of consideration, or any other defense which would be
547 considered sufficient in a common-law action. The vendor shall
548 have 5 days after service ~~receipt~~ of such notice via electronic
549 mail within which to show such cause, and he or she may demand a
550 hearing thereon, provided he or she does so in writing within
551 said 5 days, such written demand to be delivered to the division
552 either in person, by electronic mail, or by due course of mail
553 within such 5 days. If no such demand for hearing is made, the
554 division shall thereupon declare in writing to such vendor and
555 to all manufacturers and distributors within the state that all
556 further sales to such vendor are prohibited until such time as
557 the division certifies in writing that such vendor has fully
558 paid for all liquors previously purchased. In the event such
559 prohibition of sales and declaration thereof to the vendor,

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560 manufacturers, and distributors is ordered by the division, the
561 vendor may seek review of such decision by the Department of
562 Business and Professional Regulation within 5 days. In the event
563 application for such review is filed within such time, such
564 prohibition of sales shall not be made, published, or declared
565 until final disposition of such review by the department.

566 Section 13. Subsection (2) of section 561.55, Florida
567 Statutes, is amended to read:

568 561.55 Manufacturers', distributors', brokers', sales
569 agents', importers', vendors', and exporters' records and
570 reports.-

571 (2) Each manufacturer, distributor, broker, sales agent,
572 and importer shall make a full and complete report by the 10th
573 day of each month for the previous calendar month. The report
574 ~~must be~~ shall be made out in triplicate; two copies shall be
575 ~~sent to the division, and the third copy shall be retained for~~
576 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
577 ~~importer's record. Reports shall be made on forms prepared and~~
578 ~~furnished~~ by the division and filed with the division through
579 the division's electronic data submission system.

580 Section 14. Section 562.455, Florida Statutes, is amended
581 to read:

582 562.455 Adulterating liquor; penalty.-Whoever adulterates,
583 for the purpose of sale, any liquor, used or intended for drink,
584 with cocculus indicus, vitriol, ~~grains of paradise~~, opium, alum,

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585 capsicum, copperas, laurel water, logwood, brazil wood,
586 cochineal, sugar of lead, or any other substance which is
587 poisonous or injurious to health, and whoever knowingly sells
588 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
589 of the third degree, punishable as provided in s. 775.082, s.
590 775.083, or s. 775.084.

591 Section 15. Subsection (4) of section 627.714, Florida
592 Statutes, is amended to read:

593 627.714 Residential condominium unit owner coverage; loss
594 assessment coverage required.—

595 (4) Every individual unit owner's residential property
596 policy must contain a provision stating that the coverage
597 afforded by such policy is excess coverage over the amount
598 recoverable under any other policy covering the same property.
599 If a condominium association's insurance policy does not provide
600 rights for subrogation against the unit owners in the
601 association, an insurance policy issued to an individual unit
602 owner located in the association may not provide rights of
603 subrogation against the condominium association.

604 Section 16. Section 712.065, Florida Statutes, is created
605 to read:

606 712.065 Extinguishment of discriminatory restrictions.—

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

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610 any real property in this state by any natural person on the
611 basis of a characteristic that has been held, or is held after
612 July 1, 2020, by the United States Supreme Court or the Florida
613 Supreme Court to be protected against discrimination under the
614 Fourteenth Amendment to the United States Constitution or under
615 s. 2, Art. I of the State Constitution, including race, color,
616 national origin, religion, gender, or physical disability.

617 (2) A discriminatory restriction is not enforceable in the
618 state, and a discriminatory restriction contained in a title
619 transaction recorded in the state is unlawful, unenforceable,
620 and void. A discriminatory restriction contained in a previously
621 recorded title transaction is extinguished and severed from the
622 recorded title transaction and the remainder of the title
623 transaction remains enforceable and effective. The recording of
624 a notice preserving or protecting interests or rights under s.
625 712.06 does not reimpose or preserve a discriminatory
626 restriction that is extinguished under this section.

627 (3) Upon request of a parcel owner, a discriminatory
628 restriction appearing in a covenant or restriction affecting the
629 parcel may be removed from the covenant or restriction by an
630 amendment approved by a majority vote of the board of directors
631 of the respective property owners' association or an owners'
632 association in which all owners may voluntarily join,
633 notwithstanding any other requirements for approval of an
634 amendment of the covenant or restriction. Unless the amendment

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

639 Section 17. Paragraph (a) of subsection (1), subsection
640 (3), and paragraphs (a), (b), (c), (f), and (g) of subsection
641 (12) of section 718.111, Florida Statutes, are amended to read:

642 718.111 The association.—

643 (1) CORPORATE ENTITY.—

644 (a) The operation of the condominium shall be by the
645 association, which must be a Florida corporation for profit or a
646 Florida corporation not for profit. However, any association
647 which was in existence on January 1, 1977, need not be
648 incorporated. The owners of units shall be shareholders or
649 members of the association. The officers and directors of the
650 association have a fiduciary relationship to the unit owners. It
651 is the intent of the Legislature that nothing in this paragraph
652 shall be construed as providing for or removing a requirement of
653 a fiduciary relationship between any manager employed by the
654 association and the unit owners. An officer, director, or
655 manager may not solicit, offer to accept, or accept any thing or
656 service of value or kickback for which consideration has not
657 been provided for his or her own benefit or that of his or her
658 immediate family, from any person providing or proposing to
659 provide goods or services to the association. Any such officer,

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660 director, or manager who knowingly so solicits, offers to
661 accept, or accepts any thing or service of value or kickback is
662 subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s.~~
663 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided
664 in paragraph (d). However, this paragraph does not prohibit an
665 officer, director, or manager from accepting services or items
666 received in connection with trade fairs or education programs.
667 An association may operate more than one condominium.

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

670 (a) The association may contract, sue, or be sued with
671 respect to the exercise or nonexercise of its powers. For these
672 purposes, the powers of the association include, but are not
673 limited to, the maintenance, management, and operation of the
674 condominium property.

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

677 1. Institute, maintain, settle, or appeal actions or
678 hearings in its name on behalf of all unit owners concerning
679 matters of common interest to most or all unit owners,
680 including, but not limited to, the common elements; the roof and
681 structural components of a building or other improvements;
682 mechanical, electrical, and plumbing elements serving an
683 improvement or a building; representations of the developer
684 pertaining to any existing or proposed commonly used facilities;

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

687 3. Defend actions pertaining to ad valorem taxation of
688 commonly used facilities or units or related to in eminent
689 domain; or

690 4. Bring inverse condemnation actions.

691 (c) If the association has the authority to maintain a
692 class action, the association may be joined in an action as
693 representative of that class with reference to litigation and
694 disputes involving the matters for which the association could
695 bring a class action.

696 (d) The association, in its own name or on behalf of some
697 or all unit owners, may institute, file, protest, maintain, or
698 defend any administrative challenge, lawsuit, appeal, or other
699 challenge to ad valorem taxes assessed on units, commonly used
700 facilities, or common elements. Other than as provided in s.
701 194.181(2)(c)1., the affected association members are not
702 necessary or indispensable parties to such actions.. This
703 paragraph is intended to clarify existing law and applies to
704 cases pending on July 1, 2020.

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

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

711 (12) OFFICIAL RECORDS.—

712 (a) From the inception of the association, the association
713 shall maintain each of the following items, if applicable, which
714 constitutes the official records of the association:

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

717 2. A photocopy of the recorded declaration of condominium
718 of each condominium operated by the association and each
719 amendment to each declaration.

720 3. A photocopy of the recorded bylaws of the association
721 and each amendment to the bylaws.

722 4. A certified copy of the articles of incorporation of
723 the association, or other documents creating the association,
724 and each amendment thereto.

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

726 6. A book or books that contain the minutes of all
727 meetings of the association, the board of administration, and
728 the unit owners.

729 7. A current roster of all unit owners and their mailing
730 addresses, unit identifications, voting certifications, and, if
731 known, telephone numbers. The association shall also maintain
732 the e-mail addresses and facsimile numbers of unit owners
733 consenting to receive notice by electronic transmission. The e-

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734 mail addresses and facsimile numbers are not accessible to unit
735 owners if consent to receive notice by electronic transmission
736 is not provided in accordance with sub-subparagraph (c)3.e.
737 However, the association is not liable for an inadvertent
738 disclosure of the e-mail address or facsimile number for
739 receiving electronic transmission of notices.

740 8. All current insurance policies of the association and
741 condominiums operated by the association.

742 9. A current copy of any management agreement, lease, or
743 other contract to which the association is a party or under
744 which the association or the unit owners have an obligation or
745 responsibility.

746 10. Bills of sale or transfer for all property owned by
747 the association.

748 11. Accounting records for the association and separate
749 accounting records for each condominium that the association
750 operates. Any person who knowingly or intentionally defaces or
751 destroys such records, or who knowingly or intentionally fails
752 to create or maintain such records, with the intent of causing
753 harm to the association or one or more of its members, is
754 personally subject to a civil penalty under s. 718.501(2)(d)
755 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must
756 include, but are not limited to:

757 a. Accurate, itemized, and detailed records of all
758 receipts and expenditures.

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759 b. A current account and a monthly, bimonthly, or
760 quarterly statement of the account for each unit designating the
761 name of the unit owner, the due date and amount of each
762 assessment, the amount paid on the account, and the balance due.

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

765 d. All contracts for work to be performed. Bids for work
766 to be performed are also considered official records and must be
767 maintained by the association for at least 1 year after receipt
768 of the bid.

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

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

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

778 15. All other written records of the association not
779 specifically included in the foregoing which are related to the
780 operation of the association.

781 16. A copy of the inspection report as described in s.
782 718.301(4)(p).

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

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784 (b) The official records specified in subparagraphs (a)1.-
785 6. must be permanently maintained from the inception of the
786 association. Bids for work to be performed or for materials,
787 equipment, or services must be maintained for at least 1 year
788 after receipt of the bid. All other official records must be
789 maintained within the state for at least 7 years, unless
790 otherwise provided by general law. All official records must be
791 maintained in a manner and format determined by the division so
792 that the records are easily accessible for inspection. The
793 records of the association shall be made available to a unit
794 owner within 45 miles of the condominium property or within the
795 county in which the condominium property is located within 10
796 working days after receipt of a written request by the board or
797 its designee. However, such distance requirement does not apply
798 to an association governing a timeshare condominium. This
799 paragraph may be complied with by having a copy of the official
800 records of the association available for inspection or copying
801 on the condominium property or association property, or the
802 association may offer the option of making the records available
803 to a unit owner electronically via the Internet or by allowing
804 the records to be viewed in electronic format on a computer
805 screen and printed upon request. The association is not
806 responsible for the use or misuse of the information provided to
807 an association member or his or her authorized representative in
808 pursuant to the compliance with requirements of this chapter

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

811 (c)1. The official records of the association are open to
812 inspection by any association member or the authorized
813 representative of such member at all reasonable times. The right
814 to inspect the records includes the right to make or obtain
815 copies, at the reasonable expense, if any, of the member or
816 authorized representative of such member. A renter of a unit
817 only has a right to inspect and copy the declaration of
818 condominium and association's bylaws and rules. The association
819 must provide a checklist to the member or the authorized
820 representative of such member of all records that are made
821 available for inspection and copying in response to a written
822 request. If any or all of the association's official records are
823 not available, such records must be identified on the checklist
824 provided to the person requesting the records. The checklist
825 must be signed by a manager licensed under part VIII of chapter
826 468 certifying that the checklist is accurate to the best of his
827 or her knowledge and belief or the association must provide the
828 person requesting the records a sworn affidavit attesting to the
829 veracity of the checklist executed by the person responding to
830 the written request on behalf of the association. The
831 association must maintain a copy of the checklist and affidavit,
832 if required, for at least 7 years. Delivery of the checklist and
833 affidavit, if required, to the person requesting the records

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834 creates a rebuttable presumption that the association complied
835 with this paragraph. The association may adopt reasonable rules
836 regarding the frequency, time, location, notice, and manner of
837 record inspections and copying, but may not require a member to
838 demonstrate any purpose or state any reason for the inspection.
839 The failure of an association to provide the records within 10
840 working days after receipt of a written request creates a
841 rebuttable presumption that the association willfully failed to
842 comply with this paragraph. A unit owner who is denied access to
843 official records is entitled to the actual damages or minimum
844 damages for the association's willful failure to comply. Minimum
845 damages are \$50 per calendar day for up to 10 days, beginning on
846 the 11th working day after receipt of the written request. The
847 failure to permit inspection entitles any person prevailing in
848 an enforcement action to recover reasonable attorney fees from
849 the person in control of the records who, directly or
850 indirectly, knowingly denied access to the records.

851 2. Any person who knowingly or intentionally defaces or
852 destroys accounting records that are required by this chapter to
853 be maintained during the period for which such records are
854 required to be maintained, or who knowingly or intentionally
855 fails to create or maintain accounting records that are required
856 to be created or maintained, with the intent of causing harm to
857 the association or one or more of its members, is personally

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858 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~
859 ~~718.501(1)(d)~~.

860 3. The association shall maintain an adequate number of
861 copies of the declaration, articles of incorporation, bylaws,
862 and rules, and all amendments to each of the foregoing, as well
863 as the question and answer sheet as described in s. 718.504 and
864 year-end financial information required under this section, on
865 the condominium property to ensure their availability to unit
866 owners and prospective purchasers, and may charge its actual
867 costs for preparing and furnishing these documents to those
868 requesting the documents. An association shall allow a member or
869 his or her authorized representative to use a portable device,
870 including a smartphone, tablet, portable scanner, or any other
871 technology capable of scanning or taking photographs, to make an
872 electronic copy of the official records in lieu of the
873 association's providing the member or his or her authorized
874 representative with a copy of such records. The association may
875 not charge a member or his or her authorized representative for
876 the use of a portable device. Notwithstanding this paragraph,
877 the following records are not accessible to unit owners:

878 a. Any record protected by the lawyer-client privilege as
879 described in s. 90.502 and any record protected by the work-
880 product privilege, including a record prepared by an association
881 attorney or prepared at the attorney's express direction, which
882 reflects a mental impression, conclusion, litigation strategy,

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883 or legal theory of the attorney or the association, and which
884 was prepared exclusively for civil or criminal litigation or for
885 adversarial administrative proceedings, or which was prepared in
886 anticipation of such litigation or proceedings until the
887 conclusion of the litigation or proceedings.

888 b. Information obtained by an association in connection
889 with the approval of the lease, sale, or other transfer of a
890 unit.

891 c. Personnel records of association or management company
892 employees, including, but not limited to, disciplinary, payroll,
893 health, and insurance records. For purposes of this sub-
894 subparagraph, the term "personnel records" does not include
895 written employment agreements with an association employee or
896 management company, or budgetary or financial records that
897 indicate the compensation paid to an association employee.

898 d. Medical records of unit owners.

899 e. Social security numbers, driver license numbers, credit
900 card numbers, e-mail addresses, telephone numbers, facsimile
901 numbers, emergency contact information, addresses of a unit
902 owner other than as provided to fulfill the association's notice
903 requirements, and other personal identifying information of any
904 person, excluding the person's name, unit designation, mailing
905 address, property address, and any address, e-mail address, or
906 facsimile number provided to the association to fulfill the
907 association's notice requirements. Notwithstanding the

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908 restrictions in this sub-subparagraph, an association may print
909 and distribute to unit ~~parcel~~ owners a directory containing the
910 name, unit ~~parcel~~ address, and all telephone numbers of each
911 unit ~~parcel~~ owner. However, an owner may exclude his or her
912 telephone numbers from the directory by so requesting in writing
913 to the association. An owner may consent in writing to the
914 disclosure of other contact information described in this sub-
915 subparagraph. The association is not liable for the inadvertent
916 disclosure of information that is protected under this sub-
917 subparagraph if the information is included in an official
918 record of the association and is voluntarily provided by an
919 owner and not requested by the association.

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

922 g. The software and operating system used by the
923 association which allow the manipulation of data, even if the
924 owner owns a copy of the same software used by the association.
925 The data is part of the official records of the association.

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

931 ~~718.501(1)(d)6.~~ against an outgoing board or committee member

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932 who willfully and knowingly fails to relinquish such records and
933 property.

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

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

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

943 (II) A website, application, or web portal operated by a
944 third-party provider with whom the association owns, leases,
945 rents, or otherwise obtains the right to operate a web page,
946 subpage, web portal, ~~or~~ collection of subpages or web portals,
947 or application which is dedicated to the association's
948 activities and on which required notices, records, and documents
949 may be posted or made available by the association.

950 b. The association's website or application must be
951 accessible through the Internet and must contain a subpage, web
952 portal, or other protected electronic location that is
953 inaccessible to the general public and accessible only to unit
954 owners and employees of the association.

955 c. Upon a unit owner's written request, the association
956 must provide the unit owner with a username and password and

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

960 2. A current copy of the following documents must be
961 posted in digital format on the association's website or
962 application:

963 a. The recorded declaration of condominium of each
964 condominium operated by the association and each amendment to
965 each declaration.

966 b. The recorded bylaws of the association and each
967 amendment to the bylaws.

968 c. The articles of incorporation of the association, or
969 other documents creating the association, and each amendment to
970 the articles of incorporation or other documents thereto. The
971 copy posted pursuant to this sub-subparagraph must be a copy of
972 the articles of incorporation filed with the Department of
973 State.

974 d. The rules of the association.

975 e. A list of all executory contracts or documents to which
976 the association is a party or under which the association or the
977 unit owners have an obligation or responsibility and, after
978 bidding for the related materials, equipment, or services has
979 closed, a list of bids received by the association within the
980 past year. Summaries of bids for materials, equipment, or
981 services which exceed \$500 must be maintained on the website or

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

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

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

989 h. The certification of each director required by s.
990 718.112(2)(d)4.b.

991 i. All contracts or transactions between the association
992 and any director, officer, corporation, firm, or association
993 that is not an affiliated condominium association or any other
994 entity in which an association director is also a director or
995 officer and financially interested.

996 j. Any contract or document regarding a conflict of
997 interest or possible conflict of interest as provided in ss.
998 468.436(2)(b)6. and 718.3027(3).

999 k. The notice of any unit owner meeting and the agenda for
1000 the meeting, as required by s. 718.112(2)(d)3., no later than 14
1001 days before the meeting. The notice must be posted in plain view
1002 on the front page of the website or application, or on a
1003 separate subpage of the website or application labeled "Notices"
1004 which is conspicuously visible and linked from the front page.
1005 The association must also post on its website or application any
1006 document to be considered and voted on by the owners during the

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1007 meeting or any document listed on the agenda at least 7 days
1008 before the meeting at which the document or the information
1009 within the document will be considered.

1010 1. Notice of any board meeting, the agenda, and any other
1011 document required for the meeting as required by s.
1012 718.112(2)(c), which must be posted no later than the date
1013 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

1014 3. The association shall ensure that the information and
1015 records described in paragraph (c), which are not allowed to be
1016 accessible to unit owners, are not posted on the association's
1017 website or application. If protected information or information
1018 restricted from being accessible to unit owners is included in
1019 documents that are required to be posted on the association's
1020 website or application, the association shall ensure the
1021 information is redacted before posting the documents ~~online~~.
1022 Notwithstanding the foregoing, the association or its agent is
1023 not liable for disclosing information that is protected or
1024 restricted under ~~pursuant to~~ this paragraph unless such
1025 disclosure was made with a knowing or intentional disregard of
1026 the protected or restricted nature of such information.

1027 4. The failure of the association to post information
1028 required under subparagraph 2. is not in and of itself
1029 sufficient to invalidate any action or decision of the
1030 association's board or its committees.

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1031 Section 18. Paragraphs (d), (i), (j), (k), and (p) of
1032 subsection (2) of section 718.112, Florida Statutes, are
1033 amended, and paragraph (c) is added to subsection (1) of that
1034 section, to read:

1035 718.112 Bylaws.—

1036 (1) GENERALLY.—

1037 (c) The association may extinguish a discriminatory
1038 restriction as provided under s. 712.065.

1039 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1040 following and, if they do not do so, shall be deemed to include
1041 the following:

1042 (d) Unit owner meetings.—

1043 1. An annual meeting of the unit owners must be held at
1044 the location provided in the association bylaws and, if the
1045 bylaws are silent as to the location, the meeting must be held
1046 within 45 miles of the condominium property. However, such
1047 distance requirement does not apply to an association governing
1048 a timeshare condominium.

1049 2. Unless the bylaws provide otherwise, a vacancy on the
1050 board caused by the expiration of a director's term must be
1051 filled by electing a new board member, and the election must be
1052 by secret ballot. An election is not required if the number of
1053 vacancies equals or exceeds the number of candidates. For
1054 purposes of this paragraph, the term "candidate" means an
1055 eligible person who has timely submitted the written notice, as

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1056 described in sub-subparagraph 4.a., of his or her intention to
1057 become a candidate. Except in a timeshare or nonresidential
1058 condominium, or if the staggered term of a board member does not
1059 expire until a later annual meeting, or if all members' terms
1060 would otherwise expire but there are no candidates, the terms of
1061 all board members expire at the annual meeting, and such members
1062 may stand for reelection unless prohibited by the bylaws. Board
1063 members may serve terms longer than 1 year if permitted by the
1064 bylaws or articles of incorporation. A board member may not
1065 serve more than 8 consecutive years unless approved by an
1066 affirmative vote of unit owners representing two-thirds of all
1067 votes cast in the election or unless there are not enough
1068 eligible candidates to fill the vacancies on the board at the
1069 time of the vacancy. Only board service that occurs on or after
1070 July 1, 2018, may be used when calculating a board member's term
1071 limit. If the number of board members whose terms expire at the
1072 annual meeting equals or exceeds the number of candidates, the
1073 candidates become members of the board effective upon the
1074 adjournment of the annual meeting. Unless the bylaws provide
1075 otherwise, any remaining vacancies shall be filled by the
1076 affirmative vote of the majority of the directors making up the
1077 newly constituted board even if the directors constitute less
1078 than a quorum or there is only one director. In a residential
1079 condominium association of more than 10 units or in a
1080 residential condominium association that does not include

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1081 timeshare units or timeshare interests, co-owners of a unit may
1082 not serve as members of the board of directors at the same time
1083 unless they own more than one unit or unless there are not
1084 enough eligible candidates to fill the vacancies on the board at
1085 the time of the vacancy. A unit owner in a residential
1086 condominium desiring to be a candidate for board membership must
1087 comply with sub-subparagraph 4.a. and must be eligible to be a
1088 candidate to serve on the board of directors at the time of the
1089 deadline for submitting a notice of intent to run in order to
1090 have his or her name listed as a proper candidate on the ballot
1091 or to serve on the board. A person who has been suspended or
1092 removed by the division under this chapter, or who is delinquent
1093 in the payment of any monetary obligation due to the
1094 association, is not eligible to be a candidate for board
1095 membership and may not be listed on the ballot. A person who has
1096 been convicted of any felony in this state or in a United States
1097 District or Territorial Court, or who has been convicted of any
1098 offense in another jurisdiction which would be considered a
1099 felony if committed in this state, is not eligible for board
1100 membership unless such felon's civil rights have been restored
1101 for at least 5 years as of the date such person seeks election
1102 to the board. The validity of an action by the board is not
1103 affected if it is later determined that a board member is
1104 ineligible for board membership due to having been convicted of

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1105 a felony. This subparagraph does not limit the term of a member
1106 of the board of a nonresidential or timeshare condominium.

1107 3. The bylaws must provide the method of calling meetings
1108 of unit owners, including annual meetings. Written notice of an
1109 annual meeting must include an agenda; ~~it must~~ be mailed, hand
1110 delivered, or electronically transmitted to each unit owner at
1111 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
1112 a conspicuous place on the condominium property at least 14
1113 continuous days before the annual meeting. Written notice of a
1114 meeting other than an annual meeting must include an agenda; be
1115 mailed, hand delivered, or electronically transmitted to each
1116 unit owner; and be posted in a conspicuous place on the
1117 condominium property in accordance with the minimum period of
1118 time for posting a notice as set forth in the bylaws, and if the
1119 bylaws do not provide such notice requirements, then at least 14
1120 continuous days before the meeting. Upon notice to the unit
1121 owners, the board shall, by duly adopted rule, designate a
1122 specific location on the condominium property where all notices
1123 of unit owner meetings must be posted. This requirement does not
1124 apply if there is no condominium property for posting notices.
1125 In lieu of, or in addition to, the physical posting of meeting
1126 notices, the association may, by reasonable rule, adopt a
1127 procedure for conspicuously posting and repeatedly broadcasting
1128 the notice and the agenda on a closed-circuit cable television
1129 system serving the condominium association. However, if

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1130 broadcast notice is used in lieu of a notice posted physically
1131 on the condominium property, the notice and agenda must be
1132 broadcast at least four times every broadcast hour of each day
1133 that a posted notice is otherwise required under this section.
1134 If broadcast notice is provided, the notice and agenda must be
1135 broadcast in a manner and for a sufficient continuous length of
1136 time so as to allow an average reader to observe the notice and
1137 read and comprehend the entire content of the notice and the
1138 agenda. In addition to any of the authorized means of providing
1139 notice of a meeting of the board, the association may, by rule,
1140 adopt a procedure for conspicuously posting the meeting notice
1141 and the agenda on a website serving the condominium association
1142 for at least the minimum period of time for which a notice of a
1143 meeting is also required to be physically posted on the
1144 condominium property. Any rule adopted shall, in addition to
1145 other matters, include a requirement that the association send
1146 an electronic notice in the same manner as a notice for a
1147 meeting of the members, which must include a hyperlink to the
1148 website where the notice is posted, to unit owners whose e-mail
1149 addresses are included in the association's official records.
1150 Unless a unit owner waives in writing the right to receive
1151 notice of the annual meeting, such notice must be hand
1152 delivered, mailed, or electronically transmitted to each unit
1153 owner. Notice for meetings and notice for all other purposes
1154 must be mailed to each unit owner at the address last furnished

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1155 to the association by the unit owner, or hand delivered to each
1156 unit owner. However, if a unit is owned by more than one person,
1157 the association must provide notice to the address that the
1158 developer identifies for that purpose and thereafter as one or
1159 more of the owners of the unit advise the association in
1160 writing, or if no address is given or the owners of the unit do
1161 not agree, to the address provided on the deed of record. An
1162 officer of the association, or the manager or other person
1163 providing notice of the association meeting, must provide an
1164 affidavit or United States Postal Service certificate of
1165 mailing, to be included in the official records of the
1166 association affirming that the notice was mailed or hand
1167 delivered in accordance with this provision.

1168 4. The members of the board of a residential condominium
1169 shall be elected by written ballot or voting machine. Proxies
1170 may not be used in electing the board in general elections or
1171 elections to fill vacancies caused by recall, resignation, or
1172 otherwise, unless otherwise provided in this chapter. This
1173 subparagraph does not apply to an association governing a
1174 timeshare condominium.

1175 a. At least 60 days before a scheduled election, the
1176 association shall mail, deliver, or electronically transmit, by
1177 separate association mailing or included in another association
1178 mailing, delivery, or transmission, including regularly
1179 published newsletters, to each unit owner entitled to a vote, a

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1180 first notice of the date of the election. A unit owner or other
1181 eligible person desiring to be a candidate for the board must
1182 give written notice of his or her intent to be a candidate to
1183 the association at least 40 days before a scheduled election.
1184 Together with the written notice and agenda as set forth in
1185 subparagraph 3., the association shall mail, deliver, or
1186 electronically transmit a second notice of the election to all
1187 unit owners entitled to vote, together with a ballot that lists
1188 all candidates not less than 14 days or more than 34 days before
1189 the date of the election. Upon request of a candidate, an
1190 information sheet, no larger than 8 1/2 inches by 11 inches,
1191 which must be furnished by the candidate at least 35 days before
1192 the election, must be included with the mailing, delivery, or
1193 transmission of the ballot, with the costs of mailing, delivery,
1194 or electronic transmission and copying to be borne by the
1195 association. The association is not liable for the contents of
1196 the information sheets prepared by the candidates. In order to
1197 reduce costs, the association may print or duplicate the
1198 information sheets on both sides of the paper. The division
1199 shall by rule establish voting procedures consistent with this
1200 sub-subparagraph, including rules establishing procedures for
1201 giving notice by electronic transmission and rules providing for
1202 the secrecy of ballots. Elections shall be decided by a
1203 plurality of ballots cast. There is no quorum requirement;
1204 however, at least 20 percent of the eligible voters must cast a

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1205 ballot in order to have a valid election. A unit owner may not
1206 authorize any other person to vote his or her ballot, and any
1207 ballots improperly cast are invalid. A unit owner who violates
1208 this provision may be fined by the association in accordance
1209 with s. 718.303. A unit owner who needs assistance in casting
1210 the ballot for the reasons stated in s. 101.051 may obtain such
1211 assistance. The regular election must occur on the date of the
1212 annual meeting. Notwithstanding this sub-subparagraph, an
1213 election is not required unless more candidates file notices of
1214 intent to run or are nominated than board vacancies exist.

1215 b. Within 90 days after being elected or appointed to the
1216 board of an association of a residential condominium, each newly
1217 elected or appointed director shall certify in writing to the
1218 secretary of the association that he or she has read the
1219 association's declaration of condominium, articles of
1220 incorporation, bylaws, and current written policies; that he or
1221 she will work to uphold such documents and policies to the best
1222 of his or her ability; and that he or she will faithfully
1223 discharge his or her fiduciary responsibility to the
1224 association's members. In lieu of this written certification,
1225 within 90 days after being elected or appointed to the board,
1226 the newly elected or appointed director may submit a certificate
1227 of having satisfactorily completed the educational curriculum
1228 administered by a division-approved condominium education
1229 provider within 1 year before or 90 days after the date of

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1230 election or appointment. The written certification or
1231 educational certificate is valid and does not have to be
1232 resubmitted as long as the director serves on the board without
1233 interruption. A director of an association of a residential
1234 condominium who fails to timely file the written certification
1235 or educational certificate is suspended from service on the
1236 board until he or she complies with this sub-subparagraph. The
1237 board may temporarily fill the vacancy during the period of
1238 suspension. The secretary shall cause the association to retain
1239 a director's written certification or educational certificate
1240 for inspection by the members for 5 years after a director's
1241 election or the duration of the director's uninterrupted tenure,
1242 whichever is longer. Failure to have such written certification
1243 or educational certificate on file does not affect the validity
1244 of any board action.

1245 c. Any challenge to the election process must be commenced
1246 within 60 days after the election results are announced.

1247 5. Any approval by unit owners called for by this chapter
1248 or the applicable declaration or bylaws, including, but not
1249 limited to, the approval requirement in s. 718.111(8), must be
1250 made at a duly noticed meeting of unit owners and is subject to
1251 all requirements of this chapter or the applicable condominium
1252 documents relating to unit owner decisionmaking, except that
1253 unit owners may take action by written agreement, without
1254 meetings, on matters for which action by written agreement

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1255 without meetings is expressly allowed by the applicable bylaws
1256 or declaration or any law that provides for such action.

1257 6. Unit owners may waive notice of specific meetings if
1258 allowed by the applicable bylaws or declaration or any law.
1259 Notice of meetings of the board of administration, unit owner
1260 meetings, except unit owner meetings called to recall board
1261 members under paragraph (j), and committee meetings may be given
1262 by electronic transmission to unit owners who consent to receive
1263 notice by electronic transmission. A unit owner who consents to
1264 receiving notices by electronic transmission is solely
1265 responsible for removing or bypassing filters that block receipt
1266 of mass e-mails ~~emails~~ sent to members on behalf of the
1267 association in the course of giving electronic notices.

1268 7. Unit owners have the right to participate in meetings
1269 of unit owners with reference to all designated agenda items.
1270 However, the association may adopt reasonable rules governing
1271 the frequency, duration, and manner of unit owner participation.

1272 8. A unit owner may tape record or videotape a meeting of
1273 the unit owners subject to reasonable rules adopted by the
1274 division.

1275 9. Unless otherwise provided in the bylaws, any vacancy
1276 occurring on the board before the expiration of a term may be
1277 filled by the affirmative vote of the majority of the remaining
1278 directors, even if the remaining directors constitute less than
1279 a quorum, or by the sole remaining director. In the alternative,

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1280 a board may hold an election to fill the vacancy, in which case
1281 the election procedures must conform to sub-subparagraph 4.a.
1282 unless the association governs 10 units or fewer and has opted
1283 out of the statutory election process, in which case the bylaws
1284 of the association control. Unless otherwise provided in the
1285 bylaws, a board member appointed or elected under this section
1286 shall fill the vacancy for the unexpired term of the seat being
1287 filled. Filling vacancies created by recall is governed by
1288 paragraph (j) and rules adopted by the division.

1289 10. This chapter does not limit the use of general or
1290 limited proxies, require the use of general or limited proxies,
1291 or require the use of a written ballot or voting machine for any
1292 agenda item or election at any meeting of a timeshare
1293 condominium association or nonresidential condominium
1294 association.

1295
1296 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1297 association of 10 or fewer units may, by affirmative vote of a
1298 majority of the total voting interests, provide for different
1299 voting and election procedures in its bylaws, which may be by a
1300 proxy specifically delineating the different voting and election
1301 procedures. The different voting and election procedures may
1302 provide for elections to be conducted by limited or general
1303 proxy.

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1304 (i) Transfer fees.—An association may not ~~no~~ charge a fee
1305 shall be made by the association or any body thereof in
1306 connection with the sale, mortgage, lease, sublease, or other
1307 transfer of a unit unless the association is required to approve
1308 such transfer and a fee for such approval is provided for in the
1309 declaration, articles, or bylaws. Any such fee may be preset,
1310 but may not in no event may such fee exceed \$150 ~~\$100~~ per
1311 applicant other than spouses or parent and dependent child, who
1312 ~~husband/wife or parent/dependent child, which~~ are considered one
1313 applicant. However, if the lease or sublease is a renewal of a
1314 lease or sublease with the same lessee or sublessee, a charge
1315 may not ~~no charge shall~~ be made. Such fees shall be adjusted
1316 every 5 years in an amount equal to the total of the annual
1317 increases for that 5-year period in the Consumer Price Index for
1318 All Urban Consumers, U.S. City Average, All Items. The
1319 Department of Business and Professional Regulation shall
1320 periodically calculate the fees, rounded to the nearest dollar,
1321 and publish the amounts, as adjusted, on its website. The
1322 foregoing notwithstanding, an association may, if the authority
1323 to do so appears in the declaration, articles, or bylaws,
1324 require that a prospective lessee place a security deposit, in
1325 an amount not to exceed the equivalent of 1 month's rent, into
1326 an escrow account maintained by the association. The security
1327 deposit shall protect against damages to the common elements or
1328 association property. Payment of interest, claims against the

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1329 deposit, refunds, and disputes under this paragraph shall be
1330 handled in the same fashion as provided in part II of chapter
1331 83.

1332 (j) Recall of board members.—Subject to s. 718.301, any
1333 member of the board of administration may be recalled and
1334 removed from office with or without cause by the vote or
1335 agreement in writing by a majority of all the voting interests.
1336 A special meeting of the unit owners to recall a member or
1337 members of the board of administration may be called by 10
1338 percent of the voting interests giving notice of the meeting as
1339 required for a meeting of unit owners, and the notice shall
1340 state the purpose of the meeting. Electronic transmission may
1341 not be used as a method of giving notice of a meeting called in
1342 whole or in part for this purpose.

1343 1. If the recall is approved by a majority of all voting
1344 interests by a vote at a meeting, the recall will be effective
1345 as provided in this paragraph. The board shall duly notice and
1346 hold a board meeting within 5 full business days after the
1347 adjournment of the unit owner meeting to recall one or more
1348 board members. Such member or members shall be recalled
1349 effective immediately upon conclusion of the board meeting,
1350 provided that the recall is facially valid. A recalled member
1351 must turn over to the board, within 10 full business days after
1352 the vote, any and all records and property of the association in
1353 their possession.

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1354 2. If the proposed recall is by an agreement in writing by
1355 a majority of all voting interests, the agreement in writing or
1356 a copy thereof shall be served on the association by certified
1357 mail or by personal service in the manner authorized by chapter
1358 48 and the Florida Rules of Civil Procedure. The board of
1359 administration shall duly notice and hold a meeting of the board
1360 within 5 full business days after receipt of the agreement in
1361 writing. Such member or members shall be recalled effective
1362 immediately upon the conclusion of the board meeting, provided
1363 that the recall is facially valid. A recalled member must turn
1364 over to the board, within 10 full business days, any and all
1365 records and property of the association in their possession.

1366 3. If the board fails to duly notice and hold a board
1367 meeting within 5 full business days after service of an
1368 agreement in writing or within 5 full business days after the
1369 adjournment of the unit owner recall meeting, the recall is
1370 ~~shall be~~ deemed effective and the board members so recalled
1371 shall turn over to the board within 10 full business days after
1372 the vote any and all records and property of the association.

1373 4. If the board fails to duly notice and hold the required
1374 meeting or at the conclusion of the meeting determines that the
1375 recall is not facially valid, the unit owner representative may
1376 file a petition or court action under ~~pursuant to~~ s. 718.1255
1377 challenging the board's failure to act or challenging the
1378 board's determination on facial validity. The petition or action

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1379 must be filed within 60 days after the expiration of the
1380 applicable 5-full-business-day period. The review of a petition
1381 or action under this subparagraph is limited to the sufficiency
1382 of service on the board and the facial validity of the written
1383 agreement or ballots filed.

1384 5. If a vacancy occurs on the board as a result of a
1385 recall or removal and less than a majority of the board members
1386 are removed, the vacancy may be filled by the affirmative vote
1387 of a majority of the remaining directors, notwithstanding any
1388 provision to the contrary contained in this subsection. If
1389 vacancies occur on the board as a result of a recall and a
1390 majority or more of the board members are removed, the vacancies
1391 shall be filled in accordance with procedural rules to be
1392 adopted by the division, which rules need not be consistent with
1393 this subsection. The rules must provide procedures governing the
1394 conduct of the recall election as well as the operation of the
1395 association during the period after a recall but before the
1396 recall election.

1397 6. A board member who has been recalled may file a
1398 petition or court action under ~~pursuant to~~ s. 718.1255
1399 challenging the validity of the recall. The petition or action
1400 must be filed within 60 days after the recall. The association
1401 and the unit owner representative shall be named as the
1402 respondents. The petition or action may challenge the facial
1403 validity of the written agreement or ballots filed or the

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1404 substantial compliance with the procedural requirements for the
1405 recall. If the arbitrator or court determines the recall was
1406 invalid, the petitioning board member shall immediately be
1407 reinstated and the recall is null and void. A board member who
1408 is successful in challenging a recall is entitled to recover
1409 reasonable attorney fees and costs from the respondents. The
1410 arbitrator or court may award reasonable attorney fees and costs
1411 to the respondents if they prevail, if the arbitrator or court
1412 makes a finding that the petitioner's claim is frivolous.

1413 7. The division or a court of competent jurisdiction may
1414 not accept for filing a recall petition or court action, whether
1415 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,
1416 subparagraph 4., or subparagraph 6. when there are 60 or fewer
1417 days until the scheduled reelection of the board member sought
1418 to be recalled or when 60 or fewer days have elapsed since the
1419 election of the board member sought to be recalled.

1420 (k) Alternative dispute resolution Arbitration.—There must
1421 ~~shall~~ be a provision for mandatory alternative dispute
1422 resolution ~~nonbinding arbitration~~ as provided for in s. 718.1255
1423 for any residential condominium.

1424 ~~(p) Service providers; conflicts of interest. An~~
1425 ~~association, which is not a timeshare condominium association,~~
1426 ~~may not employ or contract with any service provider that is~~
1427 ~~owned or operated by a board member or with any person who has a~~
1428 ~~financial relationship with a board member or officer, or a~~

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1429 ~~relative within the third degree of consanguinity by blood or~~
1430 ~~marriage of a board member or officer. This paragraph does not~~
1431 ~~apply to a service provider in which a board member or officer,~~
1432 ~~or a relative within the third degree of consanguinity by blood~~
1433 ~~or marriage of a board member or officer, owns less than 1~~
1434 ~~percent of the equity shares.~~

1435 Section 19. Subsection (8) of section 718.113, Florida
1436 Statutes, is amended to read:

1437 718.113 Maintenance; limitation upon improvement; display
1438 of flag; hurricane shutters and protection; display of religious
1439 decorations.-

1440 (8) The Legislature finds that the use of electric and
1441 natural gas fuel vehicles conserves and protects the state's
1442 environmental resources, provides significant economic savings
1443 to drivers, and serves an important public interest. The
1444 participation of condominium associations is essential to the
1445 state's efforts to conserve and protect the state's
1446 environmental resources and provide economic savings to drivers.
1447 For purposes of this subsection, the term "natural gas fuel" has
1448 the same meaning as in s. 206.9951, and the term "natural gas
1449 fuel vehicle" means any motor vehicle, as defined in s. 320.01,
1450 that is powered by natural gas fuel. Therefore, the installation
1451 of an electric vehicle charging station or natural gas fuel
1452 station shall be governed as follows:

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1453 (a) A declaration of condominium or restrictive covenant
1454 may not prohibit or be enforced so as to prohibit any unit owner
1455 from installing an electric vehicle charging station or natural
1456 gas fuel station within the boundaries of the unit owner's
1457 limited common element or exclusively designated parking area.
1458 The board of administration of a condominium association may not
1459 prohibit a unit owner from installing an electric vehicle
1460 charging station for an electric vehicle, as defined in s.
1461 320.01, or a natural gas fuel station for a natural gas fuel
1462 vehicle within the boundaries of his or her limited common
1463 element or exclusively designated parking area. The installation
1464 of such charging or fuel stations are subject to the provisions
1465 of this subsection.

1466 (b) The installation may not cause irreparable damage to
1467 the condominium property.

1468 (c) The electricity for the electric vehicle charging
1469 station or natural gas fuel station must be separately metered
1470 or metered by an embedded meter and payable by the unit owner
1471 installing such charging or fuel station or by his or her
1472 successor.

1473 (d) The cost for supply and storage of the natural gas
1474 fuel must be paid by the unit owner installing the natural gas
1475 fuel station or by his or her successor.

1476 (e) ~~(d)~~ The unit owner who is installing an electric
1477 vehicle charging station or natural gas fuel station is

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1478 responsible for the costs of installation, operation,
1479 maintenance, and repair, including, but not limited to, hazard
1480 and liability insurance. The association may enforce payment of
1481 such costs under ~~pursuant to~~ s. 718.116.

1482 (f)(e) If the unit owner or his or her successor decides
1483 there is no longer a need for the electronic vehicle charging
1484 station or natural gas fuel station, such person is responsible
1485 for the cost of removal of such ~~the electronic vehicle~~ charging
1486 or fuel station. The association may enforce payment of such
1487 costs under ~~pursuant to~~ s. 718.116.

1488 (g) The unit owner installing, maintaining, or removing
1489 the electric vehicle charging station or natural gas fuel
1490 station is responsible for complying with all federal, state, or
1491 local laws and regulations applicable to such installation,
1492 maintenance, or removal.

1493 (h)(f) The association may require the unit owner to:

1494 1. Comply with bona fide safety requirements, consistent
1495 with applicable building codes or recognized safety standards,
1496 for the protection of persons and property.

1497 2. Comply with reasonable architectural standards adopted
1498 by the association that govern the dimensions, placement, or
1499 external appearance of the electric vehicle charging station or
1500 natural gas fuel station, provided that such standards may not
1501 prohibit the installation of such charging or fuel station or
1502 substantially increase the cost thereof.

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1503 3. Engage the services of a licensed and registered firm
1504 ~~electrical contractor or engineer~~ familiar with the installation
1505 or removal and core requirements of an electric vehicle charging
1506 station or natural gas fuel station.

1507 4. Provide a certificate of insurance naming the
1508 association as an additional insured on the owner's insurance
1509 policy for any claim related to the installation, maintenance,
1510 or use of the electric vehicle charging station or natural gas
1511 fuel station within 14 days after receiving the association's
1512 approval to install such charging or fuel station or notice to
1513 provide such a certificate.

1514 5. Reimburse the association for the actual cost of any
1515 increased insurance premium amount attributable to the electric
1516 vehicle charging station or natural gas fuel station within 14
1517 days after receiving the association's insurance premium
1518 invoice.

1519 (i)~~(g)~~ The association provides an implied easement across
1520 the common elements of the condominium property to the unit
1521 owner for purposes of ~~the installation of the~~ electric vehicle
1522 charging station or natural gas fuel station installation, and
1523 the furnishing of electrical power or natural gas fuel supply,
1524 including any necessary equipment, to such charging or fuel
1525 station, subject to the requirements of this subsection.

1526 Section 20. Subsection (16) of section 718.117, Florida
1527 Statutes, is amended to read:

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1528 718.117 Termination of condominium.—
1529 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest
1530 a plan of termination by initiating a petition in accordance
1531 with ~~for mandatory nonbinding arbitration pursuant to s.~~
1532 718.1255 within 90 days after the date the plan is recorded. A
1533 unit owner or lienor may only contest the fairness and
1534 reasonableness of the apportionment of the proceeds from the
1535 sale among the unit owners, that the liens of the first
1536 mortgages of unit owners other than the bulk owner have not or
1537 will not be satisfied to the extent required by subsection (3),
1538 or that the required vote to approve the plan was not obtained.
1539 A unit owner or lienor who does not contest the plan within the
1540 90-day period is barred from asserting or prosecuting a claim
1541 against the association, the termination trustee, any unit
1542 owner, or any successor in interest to the condominium property.
1543 In an action contesting a plan of termination, the person
1544 contesting the plan has the burden of pleading and proving that
1545 the apportionment of the proceeds from the sale among the unit
1546 owners was not fair and reasonable or that the required vote was
1547 not obtained. The apportionment of sale proceeds is presumed
1548 fair and reasonable if it was determined pursuant to the methods
1549 prescribed in subsection (12). If the petition is filed with the
1550 division for arbitration, the arbitrator shall determine the
1551 rights and interests of the parties in the apportionment of the
1552 sale proceeds. If the arbitrator determines that the

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1553 appportionment of sales proceeds is not fair and reasonable, the
1554 arbitrator may void the plan or may modify the plan to apportion
1555 the proceeds in a fair and reasonable manner pursuant to this
1556 section based upon the proceedings and order the modified plan
1557 of termination to be implemented. If the arbitrator determines
1558 that the plan was not properly approved, or that the procedures
1559 to adopt the plan were not properly followed, the arbitrator may
1560 void the plan or grant other relief it deems just and proper.
1561 The arbitrator shall automatically void the plan upon a finding
1562 that any of the disclosures required in subparagraph (3)(c)5.
1563 are omitted, misleading, incomplete, or inaccurate. Any
1564 challenge to a plan, other than a challenge that the required
1565 vote was not obtained, does not affect title to the condominium
1566 property or the vesting of the condominium property in the
1567 trustee, but shall only be a claim against the proceeds of the
1568 plan. In any such action, the prevailing party shall recover
1569 reasonable attorney fees and costs.

1570 Section 21. Subsection (2) of section 718.121, Florida
1571 Statutes, is amended to read:

1572 718.121 Liens.—

1573 (2) Labor performed on or materials furnished to a unit
1574 may shall not be the basis for the filing of a lien under
1575 ~~pursuant to~~ part I of chapter 713, the Construction Lien Law,
1576 against the unit or condominium parcel of any unit owner not
1577 expressly consenting to or requesting the labor or materials.

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1578 Labor performed on or materials furnished for the installation
1579 of a natural gas fuel station or an electronic vehicle charging
1580 station under ~~pursuant to~~ s. 718.113(8) may not be the basis for
1581 filing a lien under part I of chapter 713 against the
1582 association, but such a lien may be filed against the unit
1583 owner. Labor performed on or materials furnished to the common
1584 elements are not the basis for a lien on the common elements,
1585 but if authorized by the association, the labor or materials are
1586 deemed to be performed or furnished with the express consent of
1587 each unit owner and may be the basis for the filing of a lien
1588 against all condominium parcels in the proportions for which the
1589 owners are liable for common expenses.

1590 Section 22. Subsections (5) and (6) of section 718.1255,
1591 Florida Statutes, are renumbered as subsections (6) and (7),
1592 respectively, subsection (2) and paragraph (a) of subsection (4)
1593 of that section are amended, and a new subsection (5) is added
1594 to that section, to read:

1595 718.1255 Alternative dispute resolution; ~~voluntary~~
1596 mediation; ~~mandatory~~ nonbinding arbitration; legislative
1597 findings.—

1598 (2) ~~VOLUNTARY~~ MEDIATION.—~~Voluntary~~ Mediation through
1599 Citizen Dispute Settlement Centers as provided for in s. 44.201
1600 is encouraged.

1601 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF
1602 DISPUTES.—The Division of Florida Condominiums, Timeshares, and

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1603 Mobile Homes of the Department of Business and Professional
1604 Regulation may employ full-time attorneys to act as arbitrators
1605 to conduct the arbitration hearings provided by this chapter.
1606 The division may also certify attorneys who are not employed by
1607 the division to act as arbitrators to conduct the arbitration
1608 hearings provided by this chapter. A ~~No~~ person may not be
1609 employed by the department as a full-time arbitrator unless he
1610 or she is a member in good standing of The Florida Bar. A person
1611 may only be certified by the division to act as an arbitrator if
1612 he or she has been a member in good standing of The Florida Bar
1613 for at least 5 years and has mediated or arbitrated at least 10
1614 disputes involving condominiums in this state during the 3 years
1615 immediately preceding the date of application, mediated or
1616 arbitrated at least 30 disputes in any subject area in this
1617 state during the 3 years immediately preceding the date of
1618 application, or attained board certification in real estate law
1619 or condominium and planned development law from The Florida Bar.
1620 Arbitrator certification is valid for 1 year. An arbitrator who
1621 does not maintain the minimum qualifications for initial
1622 certification may not have his or her certification renewed. The
1623 department may not enter into a legal services contract for an
1624 arbitration hearing under this chapter with an attorney who is
1625 not a certified arbitrator unless a certified arbitrator is not
1626 available within 50 miles of the dispute. The department shall
1627 adopt rules of procedure to govern such arbitration hearings

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1628 including mediation incident thereto. The decision of an
1629 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not
1630 ~~be~~ deemed final agency action. Nothing in this provision shall
1631 be construed to foreclose parties from proceeding in a trial de
1632 novo unless the parties have agreed that the arbitration is
1633 binding. If judicial proceedings are initiated, the final
1634 decision of the arbitrator is ~~shall be~~ admissible in evidence in
1635 the trial de novo.

1636 (a) Before ~~Prior to~~ the institution of court litigation, a
1637 party to a dispute, other than an election or recall dispute,
1638 shall either petition the division for nonbinding arbitration or
1639 initiate presuit mediation as provided in subsection (5).

1640 Arbitration is binding on the parties if all parties in
1641 arbitration agree to be bound in a writing filed in arbitration.

1642 The petition must be accompanied by a filing fee in the amount
1643 of \$50. Filing fees collected under this section must be used to
1644 defray the expenses of the alternative dispute resolution
1645 program.

1646 (5) PRESUIT MEDIATION.—In lieu of the initiation of
1647 nonbinding arbitration as set forth in subsections (1)-(4), a
1648 party may submit a dispute to presuit mediation in accordance
1649 with s. 720.311. Election and recall disputes are not eligible
1650 for mediation and such disputes must be arbitrated by the
1651 division or filed in a court of competent jurisdiction.

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1652 Section 23. Subsection (3) of section 718.202, Florida
1653 Statutes, is amended to read:

1654 718.202 Sales or reservation deposits prior to closing.—

1655 (3) If the contract for sale of the condominium unit so
1656 provides, the developer may withdraw escrow funds in excess of
1657 10 percent of the purchase price from the special account
1658 required by subsection (2) when the construction of improvements
1659 has begun. He or she may use the funds for the actual costs
1660 incurred by the developer in the ~~actual~~ construction and
1661 development of the condominium property in which the unit to be
1662 sold is located. Actual costs include, but are not limited to,
1663 expenditures for demolition, site clearing, permit fees, impact
1664 fees, and utility reservation fees, as well as architectural,
1665 engineering, and surveying fees that directly relate to
1666 construction and development. However, no part of these funds
1667 may be used for salaries, commissions, or expenses of
1668 salespersons; ~~or~~ for advertising, marketing, or promotional
1669 purposes; or for loan fees, costs or interest, attorney fees,
1670 accounting fees, or insurance. A contract which permits use of
1671 the advance payments for these purposes shall include the
1672 following legend conspicuously printed or stamped in boldfaced
1673 type on the first page of the contract and immediately above the
1674 place for the signature of the buyer: ANY PAYMENT IN EXCESS OF
1675 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO

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1676 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION
1677 PURPOSES BY THE DEVELOPER.

1678 Section 24. Subsection (1) and paragraph (b) of subsection
1679 (3) of section 718.303, Florida Statutes, are amended to read:

1680 718.303 Obligations of owners and occupants; remedies.—

1681 (1) Each unit owner, ~~each~~ tenant and other invitee, and
1682 ~~each~~ association is governed by, and must comply with the
1683 provisions of, this chapter, the declaration, the documents
1684 creating the association, and the association bylaws which are
1685 ~~shall be deemed~~ expressly incorporated into any lease of a unit.

1686 Actions at law or in equity ~~for damages or for injunctive~~
1687 ~~relief~~, or both, for failure to comply with these provisions may
1688 be brought by the association or by a unit owner against:

1689 (a) The association.

1690 (b) A unit owner.

1691 (c) Directors designated by the developer, for actions
1692 taken by them before control of the association is assumed by
1693 unit owners other than the developer.

1694 (d) Any director who willfully and knowingly fails to
1695 comply with these provisions.

1696 (e) Any tenant leasing a unit, and any other invitee
1697 occupying a unit.

1698
1699 The prevailing party in any such action or in any action in
1700 which the purchaser claims a right of voidability based upon

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1701 contractual provisions as required in s. 718.503(1)(a) is
1702 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
1703 owner prevailing in an action between the association and the
1704 unit owner under this subsection ~~section~~, in addition to
1705 recovering his or her reasonable attorney ~~attorney's~~ fees, may
1706 recover additional amounts as determined by the court to be
1707 necessary to reimburse the unit owner for his or her share of
1708 assessments levied by the association to fund its expenses of
1709 the litigation. This relief does not exclude other remedies
1710 provided by law. Actions arising under this subsection are not
1711 considered ~~may not be deemed to be~~ actions for specific
1712 performance.

1713 (3) The association may levy reasonable fines for the
1714 failure of the owner of the unit or its occupant, licensee, or
1715 invitee to comply with any provision of the declaration, the
1716 association bylaws, or reasonable rules of the association. A
1717 fine may not become a lien against a unit. A fine may be levied
1718 by the board on the basis of each day of a continuing violation,
1719 with a single notice and opportunity for hearing before a
1720 committee as provided in paragraph (b). However, the fine may
1721 not exceed \$100 per violation, or \$1,000 in the aggregate.

1722 (b) A fine or suspension levied by the board of
1723 administration may not be imposed unless the board first
1724 provides at least 14 days' written notice to the unit owner and,
1725 if applicable, any tenant ~~occupant~~, licensee, or invitee of the

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1726 unit owner sought to be fined or suspended, and an opportunity
1727 for a hearing before a committee of at least three members
1728 appointed by the board who are not officers, directors, or
1729 employees of the association, or the spouse, parent, child,
1730 brother, or sister of an officer, director, or employee. The
1731 role of the committee is limited to determining whether to
1732 confirm or reject the fine or suspension levied by the board. If
1733 the committee does not approve the proposed fine or suspension
1734 by majority vote, the fine or suspension may not be imposed. If
1735 the proposed fine or suspension is approved by the committee,
1736 the fine payment is due 5 days after notice of the approved fine
1737 is provided to the unit owner and, if applicable, to any tenant,
1738 licensee, or invitee of the unit owner ~~the date of the committee~~
1739 ~~meeting at which the fine is approved.~~ The association must
1740 provide written notice of such fine or suspension by mail or
1741 hand delivery to the unit owner and, if applicable, to any
1742 tenant, licensee, or invitee of the unit owner.

1743 Section 25. Section 718.501, Florida Statutes, is amended
1744 to read:

1745 718.501 Authority, responsibility, and duties of Division
1746 of Florida Condominiums, Timeshares, and Mobile Homes.—

1747 (1) As used in this section, the term "financial issue"
1748 means an issue related to operating budgets; reserve schedules;
1749 accounting records under s. 718.111(12)(a)11.; notices of
1750 meetings; minutes of meetings discussing budget or financial

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1751 issues; assessments for common expenses, fees, or fines; the
1752 commingling of funds; and any other record necessary to
1753 determine the revenues and expenses of the association. The
1754 division may adopt rules to further define what a financial
1755 issue is under this section and to adopt the checklist provided
1756 for in s. 718.111(12)(c)1.

1757 (2)~~(1)~~ The division may enforce and ensure compliance with
1758 ~~the provisions of~~ this chapter and rules relating to the
1759 development, construction, sale, lease, ownership, operation,
1760 and management of residential condominium units. In performing
1761 its duties, the division has complete jurisdiction to
1762 investigate complaints and enforce compliance with respect to
1763 associations that are still under developer control or the
1764 control of a bulk assignee or bulk buyer pursuant to part VII of
1765 this chapter and complaints against developers, bulk assignees,
1766 or bulk buyers involving improper turnover or failure to
1767 turnover, pursuant to s. 718.301. However, after turnover has
1768 occurred, the division has jurisdiction to investigate
1769 complaints related only to financial issues, elections, and the
1770 maintenance of and unit owner access to association records
1771 under ~~pursuant to~~ s. 718.111(12).

1772 (a)1. The division may make necessary public or private
1773 investigations within or outside this state to determine whether
1774 any person has violated this chapter or any rule or order

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1775 hereunder, to aid in the enforcement of this chapter, or to aid
1776 in the adoption of rules or forms.

1777 2. The division may submit any official written report,
1778 worksheet, or other related paper, or a duly certified copy
1779 thereof, compiled, prepared, drafted, or otherwise made by and
1780 duly authenticated by a financial examiner or analyst to be
1781 admitted as competent evidence in any hearing in which the
1782 financial examiner or analyst is available for cross-examination
1783 and attests under oath that such documents were prepared as a
1784 result of an examination or inspection conducted pursuant to
1785 this chapter.

1786 (b) The division may require or permit any person to file
1787 a statement in writing, under oath or otherwise, as the division
1788 determines, as to the facts and circumstances concerning a
1789 matter to be investigated.

1790 (c) For the purpose of any investigation under this
1791 chapter, the division director or any officer or employee
1792 designated by the division director may administer oaths or
1793 affirmations, subpoena witnesses and compel their attendance,
1794 take evidence, and require the production of any matter which is
1795 relevant to the investigation, including the existence,
1796 description, nature, custody, condition, and location of any
1797 books, documents, or other tangible things and the identity and
1798 location of persons having knowledge of relevant facts or any
1799 other matter reasonably calculated to lead to the discovery of

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1800 material evidence. Upon the failure by a person to obey a
1801 subpoena or to answer questions propounded by the investigating
1802 officer and upon reasonable notice to all affected persons, the
1803 division may apply to the circuit court for an order compelling
1804 compliance.

1805 (d) Notwithstanding any remedies available to unit owners
1806 and associations, if the division has reasonable cause to
1807 believe that a violation of any provision of this chapter or
1808 related rule has occurred, the division may institute
1809 enforcement proceedings in its own name against any developer,
1810 bulk assignee, bulk buyer, association, officer, or member of
1811 the board of administration, or its assignees or agents, as
1812 follows:

1813 1. The division may permit a person whose conduct or
1814 actions may be under investigation to waive formal proceedings
1815 and enter into a consent proceeding whereby orders, rules, or
1816 letters of censure or warning, whether formal or informal, may
1817 be entered against the person.

1818 2. The division may issue an order requiring the
1819 developer, bulk assignee, bulk buyer, association, developer-
1820 designated officer, or developer-designated member of the board
1821 of administration, developer-designated assignees or agents,
1822 bulk assignee-designated assignees or agents, bulk buyer-
1823 designated assignees or agents, community association manager,
1824 or community association management firm to cease and desist

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1825 from the unlawful practice and take such affirmative action as
1826 in the judgment of the division carry out the purposes of this
1827 chapter. If the division finds that a developer, bulk assignee,
1828 bulk buyer, association, officer, or member of the board of
1829 administration, or its assignees or agents, is violating or is
1830 about to violate any provision of this chapter, any rule adopted
1831 or order issued by the division, or any written agreement
1832 entered into with the division, and presents an immediate danger
1833 to the public requiring an immediate final order, it may issue
1834 an emergency cease and desist order reciting with particularity
1835 the facts underlying such findings. The emergency cease and
1836 desist order is effective for 90 days. If the division begins
1837 nonemergency cease and desist proceedings, the emergency cease
1838 and desist order remains effective until the conclusion of the
1839 proceedings under ss. 120.569 and 120.57.

1840 3. If a developer, bulk assignee, or bulk buyer, fails to
1841 pay any restitution determined by the division to be owed, plus
1842 any accrued interest at the highest rate permitted by law,
1843 within 30 days after expiration of any appellate time period of
1844 a final order requiring payment of restitution or the conclusion
1845 of any appeal thereof, whichever is later, the division must
1846 bring an action in circuit or county court on behalf of any
1847 association, class of unit owners, lessees, or purchasers for
1848 restitution, declaratory relief, injunctive relief, or any other
1849 available remedy. The division may also temporarily revoke its

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1850 acceptance of the filing for the developer to which the
1851 restitution relates until payment of restitution is made.

1852 4. The division may petition the court for appointment of
1853 a receiver or conservator. If appointed, the receiver or
1854 conservator may take action to implement the court order to
1855 ensure the performance of the order and to remedy any breach
1856 thereof. In addition to all other means provided by law for the
1857 enforcement of an injunction or temporary restraining order, the
1858 circuit court may impound or sequester the property of a party
1859 defendant, including books, papers, documents, and related
1860 records, and allow the examination and use of the property by
1861 the division and a court-appointed receiver or conservator.

1862 5. The division may apply to the circuit court for an
1863 order of restitution whereby the defendant in an action brought
1864 under ~~pursuant to~~ subparagraph 4. is ordered to make restitution
1865 of those sums shown by the division to have been obtained by the
1866 defendant in violation of this chapter. At the option of the
1867 court, such restitution is payable to the conservator or
1868 receiver appointed under ~~pursuant to~~ subparagraph 4. or directly
1869 to the persons whose funds or assets were obtained in violation
1870 of this chapter.

1871 6. The division may impose a civil penalty against a
1872 developer, bulk assignee, or bulk buyer, or association, or its
1873 assignee or agent, for any violation of this chapter or related
1874 rule. The division may impose a civil penalty individually

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1875 against an officer or board member who willfully and knowingly
1876 violates ~~a provision of~~ this chapter, adopted rule, or a final
1877 order of the division; may order the removal of such individual
1878 as an officer or from the board of administration or as an
1879 officer of the association; and may prohibit such individual
1880 from serving as an officer or on the board of a community
1881 association for a period of time. The term "willfully and
1882 knowingly" means that the division informed the officer or board
1883 member that his or her action or intended action violates this
1884 chapter, a rule adopted under this chapter, or a final order of
1885 the division and that the officer or board member refused to
1886 comply with the requirements of this chapter, a rule adopted
1887 under this chapter, or a final order of the division. The
1888 division, before initiating formal agency action under chapter
1889 120, must afford the officer or board member an opportunity to
1890 voluntarily comply, and an officer or board member who complies
1891 within 10 days is not subject to a civil penalty. A penalty may
1892 be imposed on the basis of each day of continuing violation, but
1893 the penalty for any offense may not exceed \$5,000. ~~By January 1,~~
1894 ~~1998,~~ The division shall adopt, by rule, penalty guidelines
1895 applicable to possible violations or to categories of violations
1896 of this chapter or rules adopted by the division. The guidelines
1897 must specify a meaningful range of civil penalties for each such
1898 violation of the statute and rules and must be based upon the
1899 harm caused by the violation, the repetition of the violation,

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1900 and upon such other factors deemed relevant by the division. For
1901 example, the division may consider whether the violations were
1902 committed by a developer, bulk assignee, or bulk buyer, or
1903 owner-controlled association, the size of the association, and
1904 other factors. The guidelines must designate the possible
1905 mitigating or aggravating circumstances that justify a departure
1906 from the range of penalties provided by the rules. It is the
1907 legislative intent that minor violations be distinguished from
1908 those which endanger the health, safety, or welfare of the
1909 condominium residents or other persons and that such guidelines
1910 provide reasonable and meaningful notice to the public of likely
1911 penalties that may be imposed for proscribed conduct. This
1912 subsection does not limit the ability of the division to
1913 informally dispose of administrative actions or complaints by
1914 stipulation, agreed settlement, or consent order. All amounts
1915 collected shall be deposited with the Chief Financial Officer to
1916 the credit of the Division of Florida Condominiums, Timeshares,
1917 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
1918 bulk buyer fails to pay the civil penalty and the amount deemed
1919 to be owed to the association, the division shall issue an order
1920 directing that such developer, bulk assignee, or bulk buyer
1921 cease and desist from further operation until such time as the
1922 civil penalty is paid or may pursue enforcement of the penalty
1923 in a court of competent jurisdiction. If an association fails to
1924 pay the civil penalty, the division shall pursue enforcement in

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1925 a court of competent jurisdiction, and the order imposing the
1926 civil penalty or the cease and desist order is not effective
1927 until 20 days after the date of such order. Any action commenced
1928 by the division shall be brought in the county in which the
1929 division has its executive offices or in the county where the
1930 violation occurred.

1931 7. If a unit owner presents the division with proof that
1932 the unit owner has requested access to official records in
1933 writing by certified mail, and that after 10 days the unit owner
1934 again made the same request for access to official records in
1935 writing by certified mail, and that more than 10 days has
1936 elapsed since the second request and the association has still
1937 failed or refused to provide access to official records as
1938 required by this chapter, the division shall issue a subpoena
1939 requiring production of the requested records where the records
1940 are kept pursuant to s. 718.112.

1941 8. In addition to subparagraph 6., the division may seek
1942 the imposition of a civil penalty through the circuit court for
1943 any violation for which the division may issue a notice to show
1944 cause under paragraph (r). The civil penalty shall be at least
1945 \$500 but no more than \$5,000 for each violation. The court may
1946 also award to the prevailing party court costs and reasonable
1947 attorney ~~attorney's~~ fees and, if the division prevails, may also
1948 award reasonable costs of investigation.

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1949 (e) The division may prepare and disseminate a prospectus
1950 and other information to assist prospective owners, purchasers,
1951 lessees, and developers of residential condominiums in assessing
1952 the rights, privileges, and duties pertaining thereto.

1953 (f) The division may adopt rules to administer and enforce
1954 ~~the provisions of~~ this chapter.

1955 (g) The division shall establish procedures for providing
1956 notice to an association and the developer, bulk assignee, or
1957 bulk buyer during the period in which the developer, bulk
1958 assignee, or bulk buyer controls the association if the division
1959 is considering the issuance of a declaratory statement with
1960 respect to the declaration of condominium or any related
1961 document governing such condominium community.

1962 (h) The division shall furnish each association that pays
1963 the fees required by paragraph (3)(a) ~~(2)(a)~~ a copy of this
1964 chapter, as amended, and the rules adopted thereto on an annual
1965 basis.

1966 (i) The division shall annually provide each association
1967 with a summary of declaratory statements and formal legal
1968 opinions relating to the operations of condominiums which were
1969 rendered by the division during the previous year.

1970 (j) The division shall provide training and educational
1971 programs for condominium association board members and unit
1972 owners. The training may, in the division's discretion, include
1973 web-based electronic media, and live training and seminars in

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1974 various locations throughout the state. The division may review
1975 and approve education and training programs for board members
1976 and unit owners offered by providers and shall maintain a
1977 current list of approved programs and providers and make such
1978 list available to board members and unit owners in a reasonable
1979 and cost-effective manner. The division may adopt rules to
1980 establish requirements for the training and educational programs
1981 required in this paragraph.

1982 (k) The division shall maintain a toll-free telephone
1983 number accessible to condominium unit owners.

1984 (l) The division shall develop a program to certify both
1985 volunteer and paid mediators to provide mediation of condominium
1986 disputes. The division shall provide, upon request, a list of
1987 such mediators to any association, unit owner, or other
1988 participant in alternative dispute resolution ~~arbitration~~
1989 proceedings under s. 718.1255 requesting a copy of the list. The
1990 division shall include on the list of volunteer mediators only
1991 the names of persons who have received at least 20 hours of
1992 training in mediation techniques or who have mediated at least
1993 20 disputes. In order to become initially certified by the
1994 division, paid mediators must be certified by the Supreme Court
1995 to mediate court cases in county or circuit courts. However, the
1996 division may adopt, by rule, additional factors for the
1997 certification of paid mediators, which must be related to
1998 experience, education, or background. Any person initially

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1999 certified as a paid mediator by the division must, in order to
2000 continue to be certified, comply with the factors or
2001 requirements adopted by rule.

2002 (m) If a complaint is made, the division must conduct its
2003 inquiry with due regard for the interests of the affected
2004 parties. Within 30 days after receipt of a complaint, the
2005 division shall acknowledge the complaint in writing and notify
2006 the complainant whether the complaint is within the jurisdiction
2007 of the division and whether additional information is needed by
2008 the division from the complainant. The division shall conduct
2009 its investigation and, within 90 days after receipt of the
2010 original complaint or of timely requested additional
2011 information, take action upon the complaint. However, the
2012 failure to complete the investigation within 90 days does not
2013 prevent the division from continuing the investigation,
2014 accepting or considering evidence obtained or received after 90
2015 days, or taking administrative action if reasonable cause exists
2016 to believe that a violation of this chapter or a rule has
2017 occurred. If an investigation is not completed within the time
2018 limits established in this paragraph, the division shall, on a
2019 monthly basis, notify the complainant in writing of the status
2020 of the investigation. When reporting its action to the
2021 complainant, the division shall inform the complainant of any
2022 right to a hearing under ~~pursuant to~~ ss. 120.569 and 120.57.

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2023 (n) Condominium association directors, officers, and
2024 employees; condominium developers; bulk assignees, bulk buyers,
2025 and community association managers; and community association
2026 management firms have an ongoing duty to reasonably cooperate
2027 with the division in any investigation under ~~pursuant to~~ this
2028 section. The division shall refer to local law enforcement
2029 authorities any person whom the division believes has altered,
2030 destroyed, concealed, or removed any record, document, or thing
2031 required to be kept or maintained by this chapter with the
2032 purpose to impair its verity or availability in the department's
2033 investigation.

2034 (o) The division may:

- 2035 1. Contract with agencies in this state or other
2036 jurisdictions to perform investigative functions; or
2037 2. Accept grants-in-aid from any source.

2038 (p) The division shall cooperate with similar agencies in
2039 other jurisdictions to establish uniform filing procedures and
2040 forms, public offering statements, advertising standards, and
2041 rules and common administrative practices.

2042 (q) The division shall consider notice to a developer,
2043 bulk assignee, or bulk buyer to be complete when it is delivered
2044 to the address of the developer, bulk assignee, or bulk buyer
2045 currently on file with the division.

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2046 (r) In addition to its enforcement authority, the division
2047 may issue a notice to show cause, which must provide for a
2048 hearing, upon written request, in accordance with chapter 120.

2049 (s) The division shall submit to the Governor, the
2050 President of the Senate, the Speaker of the House of
2051 Representatives, and the chairs of the legislative
2052 appropriations committees an annual report that includes, but
2053 need not be limited to, the number of training programs provided
2054 for condominium association board members and unit owners, the
2055 number of complaints received by type, the number and percent of
2056 complaints acknowledged in writing within 30 days and the number
2057 and percent of investigations acted upon within 90 days in
2058 accordance with paragraph (m), and the number of investigations
2059 exceeding the 90-day requirement. The annual report must also
2060 include an evaluation of the division's core business processes
2061 and make recommendations for improvements, including statutory
2062 changes. The report shall be submitted by September 30 following
2063 the end of the fiscal year.

2064 (3) (a) ~~(2) (a)~~ Each condominium association which operates
2065 more than two units shall pay to the division an annual fee in
2066 the amount of \$4 for each residential unit in condominiums
2067 operated by the association. If the fee is not paid by March 1,
2068 the association shall be assessed a penalty of 10 percent of the
2069 amount due, and the association will not have standing to

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2070 maintain or defend any action in the courts of this state until
2071 the amount due, plus any penalty, is paid.

2072 (b) All fees shall be deposited in the Division of Florida
2073 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2074 provided by law.

2075 Section 26. Section 718.5014, Florida Statutes, is amended
2076 to read:

2077 718.5014 Ombudsman location.—The ombudsman shall maintain
2078 his or her principal office in a Leon County ~~on the premises of~~
2079 ~~the division or, if suitable space cannot be provided there, at~~
2080 ~~another~~ place convenient to the offices of the division which
2081 will enable the ombudsman to expeditiously carry out the duties
2082 and functions of his or her office. The ombudsman may establish
2083 branch offices elsewhere in the state upon the concurrence of
2084 the Governor.

2085 Section 27. Subsection (25) of section 719.103, Florida
2086 Statutes, is amended to read:

2087 719.103 Definitions.—As used in this chapter:

2088 (25) "Unit" means a part of the cooperative property which
2089 is subject to exclusive use and possession. A unit may be
2090 improvements, land, or land and improvements together, as
2091 specified in the cooperative documents. An interest in a unit is
2092 an interest in real property.

2093 Section 28. Paragraph (c) of subsection (2) of section
2094 719.104, Florida Statutes, is amended to read:

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2095 719.104 Cooperatives; access to units; records; financial
2096 reports; assessments; purchase of leases.—

2097 (2) OFFICIAL RECORDS.—

2098 (c) The official records of the association are open to
2099 inspection by any association member or the authorized
2100 representative of such member at all reasonable times. The right
2101 to inspect the records includes the right to make or obtain
2102 copies, at the reasonable expense, if any, of the association
2103 member. The association may adopt reasonable rules regarding the
2104 frequency, time, location, notice, and manner of record
2105 inspections and copying, but may not require a member to
2106 demonstrate any purpose or state any reason for the inspection.
2107 The failure of an association to provide the records within 10
2108 working days after receipt of a written request creates a
2109 rebuttable presumption that the association willfully failed to
2110 comply with this paragraph. A member ~~unit owner~~ who is denied
2111 access to official records is entitled to the actual damages or
2112 minimum damages for the association's willful failure to comply.
2113 The minimum damages are \$50 per calendar day for up to 10 days,
2114 beginning on the 11th working day after receipt of the written
2115 request. The failure to permit inspection entitles any person
2116 prevailing in an enforcement action to recover reasonable
2117 attorney fees from the person in control of the records who,
2118 directly or indirectly, knowingly denied access to the records.
2119 Any person who knowingly or intentionally defaces or destroys

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2120 accounting records that are required by this chapter to be
2121 maintained during the period for which such records are required
2122 to be maintained, or who knowingly or intentionally fails to
2123 create or maintain accounting records that are required to be
2124 created or maintained, with the intent of causing harm to the
2125 association or one or more of its members, is personally subject
2126 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
2127 association shall maintain an adequate number of copies of the
2128 declaration, articles of incorporation, bylaws, and rules, and
2129 all amendments to each of the foregoing, as well as the question
2130 and answer sheet as described in s. 719.504 and year-end
2131 financial information required by the department, on the
2132 cooperative property to ensure their availability to members
2133 ~~unit owners~~ and prospective purchasers, and may charge its
2134 actual costs for preparing and furnishing these documents to
2135 those requesting the same. An association shall allow a member
2136 or his or her authorized representative to use a portable
2137 device, including a smartphone, tablet, portable scanner, or any
2138 other technology capable of scanning or taking photographs, to
2139 make an electronic copy of the official records in lieu of the
2140 association providing the member or his or her authorized
2141 representative with a copy of such records. The association may
2142 not charge a member or his or her authorized representative for
2143 the use of a portable device. Notwithstanding this paragraph,

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2144 the following records shall not be accessible to members ~~unit~~
2145 ~~owners~~:

2146 1. Any record protected by the lawyer-client privilege as
2147 described in s. 90.502 and any record protected by the work-
2148 product privilege, including any record prepared by an
2149 association attorney or prepared at the attorney's express
2150 direction which reflects a mental impression, conclusion,
2151 litigation strategy, or legal theory of the attorney or the
2152 association, and which was prepared exclusively for civil or
2153 criminal litigation or for adversarial administrative
2154 proceedings, or which was prepared in anticipation of such
2155 litigation or proceedings until the conclusion of the litigation
2156 or proceedings.

2157 2. Information obtained by an association in connection
2158 with the approval of the lease, sale, or other transfer of a
2159 unit.

2160 3. Personnel records of association or management company
2161 employees, including, but not limited to, disciplinary, payroll,
2162 health, and insurance records. For purposes of this
2163 subparagraph, the term "personnel records" does not include
2164 written employment agreements with an association employee or
2165 management company, or budgetary or financial records that
2166 indicate the compensation paid to an association employee.

2167 4. Medical records of unit owners.

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2168 5. Social security numbers, driver license numbers, credit
2169 card numbers, e-mail addresses, telephone numbers, facsimile
2170 numbers, emergency contact information, addresses of a unit
2171 owner other than as provided to fulfill the association's notice
2172 requirements, and other personal identifying information of any
2173 person, excluding the person's name, unit designation, mailing
2174 address, property address, and any address, e-mail address, or
2175 facsimile number provided to the association to fulfill the
2176 association's notice requirements. Notwithstanding the
2177 restrictions in this subparagraph, an association may print and
2178 distribute to unit ~~parcel~~ owners a directory containing the
2179 name, unit ~~parcel~~ address, and all telephone numbers of each
2180 unit ~~parcel~~ owner. However, an owner may exclude his or her
2181 telephone numbers from the directory by so requesting in writing
2182 to the association. An owner may consent in writing to the
2183 disclosure of other contact information described in this
2184 subparagraph. The association is not liable for the inadvertent
2185 disclosure of information that is protected under this
2186 subparagraph if the information is included in an official
2187 record of the association and is voluntarily provided by an
2188 owner and not requested by the association.

2189 6. Electronic security measures that are used by the
2190 association to safeguard data, including passwords.

2191 7. The software and operating system used by the
2192 association which allow the manipulation of data, even if the

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2193 owner owns a copy of the same software used by the association.
2194 The data is part of the official records of the association.

2195 Section 29. Paragraphs (b), (f), and (l) of subsection (1)
2196 of section 719.106, Florida Statutes, are amended, and
2197 subsection (3) is added to that section, to read:

2198 719.106 Bylaws; cooperative ownership.—

2199 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
2200 documents shall provide for the following, and if they do not,
2201 they shall be deemed to include the following:

2202 (b) Quorum; voting requirements; proxies.—

2203 1. Unless otherwise provided in the bylaws, the percentage
2204 of voting interests required to constitute a quorum at a meeting
2205 of the members shall be a majority of voting interests, and
2206 decisions shall be made by owners of a majority of the voting
2207 interests. Unless otherwise provided in this chapter, or in the
2208 articles of incorporation, bylaws, or other cooperative
2209 documents, and except as provided in subparagraph (d)1.,
2210 decisions shall be made by owners of a majority of the voting
2211 interests represented at a meeting at which a quorum is present.

2212 2. Except as specifically otherwise provided herein, after
2213 January 1, 1992, unit owners may not vote by general proxy, but
2214 may vote by limited proxies substantially conforming to a
2215 limited proxy form adopted by the division. Limited proxies and
2216 general proxies may be used to establish a quorum. Limited
2217 proxies shall be used for votes taken to waive or reduce

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2218 reserves in accordance with subparagraph (j)2., for votes taken
2219 to waive the financial reporting requirements of s.
2220 719.104(4) (b), for votes taken to amend the articles of
2221 incorporation or bylaws pursuant to this section, and for any
2222 other matter for which this chapter requires or permits a vote
2223 of the unit owners. Except as provided in paragraph (d), after
2224 January 1, 1992, no proxy, limited or general, shall be used in
2225 the election of board members. General proxies may be used for
2226 other matters for which limited proxies are not required, and
2227 may also be used in voting for nonsubstantive changes to items
2228 for which a limited proxy is required and given. Notwithstanding
2229 the provisions of this section, unit owners may vote in person
2230 at unit owner meetings. Nothing contained herein shall limit the
2231 use of general proxies or require the use of limited proxies or
2232 require the use of limited proxies for any agenda item or
2233 election at any meeting of a timeshare cooperative.

2234 3. Any proxy given shall be effective only for the
2235 specific meeting for which originally given and any lawfully
2236 adjourned meetings thereof. In no event shall any proxy be valid
2237 for a period longer than 90 days after the date of the first
2238 meeting for which it was given. Every proxy shall be revocable
2239 at any time at the pleasure of the unit owner executing it.

2240 4. A member of the board of administration or a committee
2241 may submit in writing his or her agreement or disagreement with
2242 any action taken at a meeting that the member did not attend.

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2243 This agreement or disagreement may not be used as a vote for or
2244 against the action taken and may not be used for the purposes of
2245 creating a quorum.

2246 5. A board or committee member participating in a meeting
2247 via telephone, real-time video conferencing, or similar real-
2248 time electronic or video communication counts toward a quorum,
2249 and such member may vote as if physically present ~~When some or~~
2250 ~~all of the board or committee members meet by telephone~~
2251 ~~conference, those board or committee members attending by~~
2252 ~~telephone conference may be counted toward obtaining a quorum~~
2253 ~~and may vote by telephone.~~ A telephone speaker ~~must~~ shall be
2254 used ~~utilized~~ so that the conversation of such ~~those board or~~
2255 ~~committee members attending by telephone~~ may be heard by the
2256 board or committee members attending in person, as well as by
2257 any unit owners present at a meeting.

2258 (f) Recall of board members.—Subject to s. 719.301, any
2259 member of the board of administration may be recalled and
2260 removed from office with or without cause by the vote or
2261 agreement in writing by a majority of all the voting interests.
2262 A special meeting of the voting interests to recall any member
2263 of the board of administration may be called by 10 percent of
2264 the unit owners giving notice of the meeting as required for a
2265 meeting of unit owners, and the notice shall state the purpose
2266 of the meeting. Electronic transmission may not be used as a

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2267 method of giving notice of a meeting called in whole or in part
2268 for this purpose.

2269 1. If the recall is approved by a majority of all voting
2270 interests by a vote at a meeting, the recall shall be effective
2271 as provided in this paragraph. The board shall duly notice and
2272 hold a board meeting within 5 full business days after the
2273 adjournment of the unit owner meeting to recall one or more
2274 board members. At the meeting, the board shall either certify
2275 the recall, in which case such member or members shall be
2276 recalled effective immediately and shall turn over to the board
2277 within 5 full business days any and all records and property of
2278 the association in their possession, or shall proceed as set
2279 forth in subparagraph 3.

2280 2. If the proposed recall is by an agreement in writing by
2281 a majority of all voting interests, the agreement in writing or
2282 a copy thereof shall be served on the association by certified
2283 mail or by personal service in the manner authorized by chapter
2284 48 and the Florida Rules of Civil Procedure. The board of
2285 administration shall duly notice and hold a meeting of the board
2286 within 5 full business days after receipt of the agreement in
2287 writing. At the meeting, the board shall either certify the
2288 written agreement to recall members of the board, in which case
2289 such members shall be recalled effective immediately and shall
2290 turn over to the board, within 5 full business days, any and all

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2291 records and property of the association in their possession, or
2292 proceed as described in subparagraph 3.

2293 3. If the board determines not to certify the written
2294 agreement to recall members of the board, or does not certify
2295 the recall by a vote at a meeting, the board shall, within 5
2296 full business days after the board meeting, file with the
2297 division a petition for binding arbitration under ~~pursuant to~~
2298 ~~the procedures of~~ s. 719.1255 or file an action with a court of
2299 competent jurisdiction. For purposes of this paragraph, the unit
2300 owners who voted at the meeting or who executed the agreement in
2301 writing shall constitute one party under the petition for
2302 arbitration or in a court action. If the arbitrator or court
2303 certifies the recall as to any member of the board, the recall
2304 is ~~shall be~~ effective upon the mailing of the final order of
2305 arbitration to the association or the final order of the court.
2306 If the association fails to comply with the order of the court
2307 or the arbitrator, the division may take action under ~~pursuant~~
2308 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board
2309 any and all records and property of the association in the
2310 member's possession within 5 full business days after the
2311 effective date of the recall.

2312 4. If the board fails to duly notice and hold a board
2313 meeting within 5 full business days after service of an
2314 agreement in writing or within 5 full business days after the
2315 adjournment of the unit owner recall meeting, the recall is

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2316 ~~shall be~~ deemed effective and the board members so recalled
2317 shall immediately turn over to the board any and all records and
2318 property of the association.

2319 5. If the board fails to duly notice and hold the required
2320 meeting or fails to file the required petition or action, the
2321 unit owner representative may file a petition under ~~pursuant to~~
2322 s. 719.1255 or file an action in a court of competent
2323 jurisdiction challenging the board's failure to act. The
2324 petition or action must be filed within 60 days after the
2325 expiration of the applicable 5-full-business-day period. The
2326 review of a petition or action under this subparagraph is
2327 limited to the sufficiency of service on the board and the
2328 facial validity of the written agreement or ballots filed.

2329 6. If a vacancy occurs on the board as a result of a
2330 recall and less than a majority of the board members are
2331 removed, the vacancy may be filled by the affirmative vote of a
2332 majority of the remaining directors, notwithstanding any
2333 provision to the contrary contained in this chapter. If
2334 vacancies occur on the board as a result of a recall and a
2335 majority or more of the board members are removed, the vacancies
2336 shall be filled in accordance with procedural rules to be
2337 adopted by the division, which rules need not be consistent with
2338 this chapter. The rules must provide procedures governing the
2339 conduct of the recall election as well as the operation of the

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2340 association during the period after a recall but before the
2341 recall election.

2342 7. A board member who has been recalled may file a
2343 petition under ~~pursuant to~~ s. 719.1255 or file an action in a
2344 court of competent jurisdiction challenging the validity of the
2345 recall. The petition or action must be filed within 60 days
2346 after the recall is deemed certified. The association and the
2347 unit owner representative shall be named as the respondents.

2348 8. The division or court may not accept for filing a
2349 recall petition or action, whether filed under ~~pursuant to~~
2350 subparagraph 1., subparagraph 2., subparagraph 5., or
2351 subparagraph 7. and regardless of whether the recall was
2352 certified, when there are 60 or fewer days until the scheduled
2353 reelection of the board member sought to be recalled or when 60
2354 or fewer days have not elapsed since the election of the board
2355 member sought to be recalled.

2356 (1) Alternative dispute resolution ~~Arbitration~~.—There
2357 shall be a provision for mandatory nonbinding alternative
2358 dispute resolution ~~arbitration~~ of internal disputes arising from
2359 the operation of the cooperative in accordance with s. 719.1255.

2360 (3) GENERALLY.—The association may extinguish a
2361 discriminatory restriction as provided under s. 712.065.

2362 Section 30. Paragraph (1) of subsection (4) of section
2363 720.303, Florida Statutes, is redesignated as paragraph (m),
2364 paragraph (c) of subsection (2), present paragraph (1) of

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2365 subsection (4), paragraphs (c) and (d) of subsection (6), and
2366 paragraphs (b), (d), (g), (k), and (l) of subsection (10) are
2367 amended, and a new paragraph (1) is added to subsection (4) of
2368 that section, to read:

2369 720.303 Association powers and duties; meetings of board;
2370 official records; budgets; financial reporting; association
2371 funds; recalls.—

2372 (2) BOARD MEETINGS.—

2373 (c) The bylaws shall provide the following for giving
2374 notice to parcel owners and members of all board meetings and,
2375 if they do not do so, shall be deemed to include the following:

2376 1. Notices of all board meetings must be posted in a
2377 conspicuous place in the community at least 48 hours in advance
2378 of a meeting, except in an emergency. In the alternative, if
2379 notice is not posted in a conspicuous place in the community,
2380 notice of each board meeting must be mailed or delivered to each
2381 member at least 7 days before the meeting, except in an
2382 emergency. Notwithstanding this general notice requirement, for
2383 communities with more than 100 members, the association bylaws
2384 may provide for a reasonable alternative to posting or mailing
2385 of notice for each board meeting, including publication of
2386 notice, provision of a schedule of board meetings, or the
2387 conspicuous posting and repeated broadcasting of the notice on a
2388 closed-circuit cable television system serving the homeowners'
2389 association. However, if broadcast notice is used in lieu of a

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2390 notice posted physically in the community, the notice must be
2391 broadcast at least four times every broadcast hour of each day
2392 that a posted notice is otherwise required. When broadcast
2393 notice is provided, the notice and agenda must be broadcast in a
2394 manner and for a sufficient continuous length of time so as to
2395 allow an average reader to observe the notice and read and
2396 comprehend the entire content of the notice and the agenda. In
2397 addition to any of the authorized means of providing notice of a
2398 meeting of the board, the association may, by rule, adopt a
2399 procedure for conspicuously posting the meeting notice and the
2400 agenda on the association's website or an application that can
2401 be downloaded on a mobile device for at least the minimum period
2402 of time for which a notice of a meeting is also required to be
2403 physically posted on the association property. Any rule adopted
2404 shall, in addition to other matters, include a requirement that
2405 the association send an electronic notice in the same manner as
2406 is required for a notice of a meeting of the members, which must
2407 include a hyperlink to the website or such mobile application at
2408 which the notice is posted, to members whose e-mail addresses
2409 are included in the association's official records. The
2410 association may provide notice by electronic transmission in a
2411 manner authorized by law for meetings of the board of directors,
2412 committee meetings requiring notice under this section, and
2413 annual and special meetings of the members to any member who has
2414 provided a facsimile number or e-mail address to the association

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2415 to be used for such purposes; however, a member must consent in
2416 writing to receiving notice by electronic transmission.

2417 2. An assessment may not be levied at a board meeting
2418 unless the notice of the meeting includes a statement that
2419 assessments will be considered and the nature of the
2420 assessments. Written notice of any meeting at which special
2421 assessments will be considered or at which amendments to rules
2422 regarding parcel use will be considered must be mailed,
2423 delivered, or electronically transmitted to the members and
2424 parcel owners and posted conspicuously on the property or
2425 broadcast on closed-circuit cable television not less than 14
2426 days before the meeting.

2427 3. Directors may not vote by proxy or by secret ballot at
2428 board meetings, except that secret ballots may be used in the
2429 election of officers. This subsection also applies to the
2430 meetings of any committee or other similar body, when a final
2431 decision will be made regarding the expenditure of association
2432 funds, and to any body vested with the power to approve or
2433 disapprove architectural decisions with respect to a specific
2434 parcel of residential property owned by a member of the
2435 community.

2436 (4) OFFICIAL RECORDS.—The association shall maintain each
2437 of the following items, when applicable, which constitute the
2438 official records of the association:

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2439 (1) Ballots, sign-in sheets, voting proxies, and all other
2440 papers and electronic records relating to voting by parcel
2441 owners, which must be maintained for at least 1 year after the
2442 date of the election, vote, or meeting.

2443 (m)(1) All other written records of the association not
2444 specifically included in this subsection ~~the foregoing~~ which are
2445 related to the operation of the association.

2446 (6) BUDGETS.—

2447 (c)1. If the budget of the association does not provide
2448 for reserve accounts under ~~pursuant to~~ paragraph (d), or the
2449 declaration of covenants, articles, or bylaws do not obligate
2450 the developer to create reserves, and the association is
2451 responsible for the repair and maintenance of capital
2452 improvements that may result in a special assessment if reserves
2453 are not provided or not fully funded, then each financial report
2454 for the preceding fiscal year required by subsection (7) must
2455 contain the following statement in conspicuous type:

2456
2457 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED
2458 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED
2459 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING
2460 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED
2461 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA
2462 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL

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2463 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A
2464 MEETING OR BY WRITTEN CONSENT.

2465 2. If the budget of the association does provide for
2466 funding accounts for deferred expenditures, including, but not
2467 limited to, funds for capital expenditures and deferred
2468 maintenance, but such accounts are not created or established
2469 under ~~pursuant to~~ paragraph (d), each financial report for the
2470 preceding fiscal year required under subsection (7) must also
2471 contain the following statement in conspicuous type:

2472 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY
2473 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES
2474 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED
2475 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED
2476 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION
2477 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE
2478 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR
2479 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

2480 (d) An association is deemed to have provided for reserve
2481 accounts ~~if reserve accounts have been initially established by~~
2482 ~~the developer or if the membership of the association~~
2483 ~~affirmatively elects to provide for reserves. If reserve~~
2484 ~~accounts are established by the developer, the budget must~~
2485 ~~designate the components for which the reserve accounts may be~~
2486 ~~used. If reserve accounts are not initially provided by the~~
2487 ~~developer, the membership of the association may elect to do so~~

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2488 upon the affirmative approval of a majority of the total voting
2489 interests of the association. Such approval may be obtained by
2490 vote of the members at a duly called meeting of the membership
2491 or by the written consent of a majority of the total voting
2492 interests of the association. The approval action of the
2493 membership must state that reserve accounts shall be provided
2494 for in the budget and must designate the components for which
2495 the reserve accounts are to be established. Upon approval by the
2496 membership, the board of directors shall include the required
2497 reserve accounts in the budget in the next fiscal year following
2498 the approval and each year thereafter. Once established as
2499 provided in this subsection, the reserve accounts must be funded
2500 or maintained or have their funding waived in the manner
2501 provided in paragraph (f).

2502 (10) RECALL OF DIRECTORS.—

2503 (b)1. Board directors may be recalled by an agreement in
2504 writing or by written ballot without a membership meeting. The
2505 agreement in writing or the written ballots, or a copy thereof,
2506 shall be served on the association by certified mail or by
2507 personal service in the manner authorized by chapter 48 and the
2508 Florida Rules of Civil Procedure.

2509 2. The board shall duly notice and hold a meeting of the
2510 board within 5 full business days after receipt of the agreement
2511 in writing or written ballots. At the meeting, the board shall
2512 either certify the written ballots or written agreement to

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2513 recall a director or directors of the board, in which case such
2514 director or directors shall be recalled effective immediately
2515 and shall turn over to the board within 5 full business days any
2516 and all records and property of the association in their
2517 possession, or proceed as described in paragraph (d).

2518 3. When it is determined by the department pursuant to
2519 binding arbitration proceedings or the court in an action filed
2520 in a court of competent jurisdiction that an initial recall
2521 effort was defective, written recall agreements or written
2522 ballots used in the first recall effort and not found to be
2523 defective may be reused in one subsequent recall effort.
2524 However, in no event is a written agreement or written ballot
2525 valid for more than 120 days after it has been signed by the
2526 member.

2527 4. Any rescission or revocation of a member's written
2528 recall ballot or agreement must be in writing and, in order to
2529 be effective, must be delivered to the association before the
2530 association is served with the written recall agreements or
2531 ballots.

2532 5. The agreement in writing or ballot shall list at least
2533 as many possible replacement directors as there are directors
2534 subject to the recall, when at least a majority of the board is
2535 sought to be recalled; the person executing the recall
2536 instrument may vote for as many replacement candidates as there
2537 are directors subject to the recall.

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2538 (d) If the board determines not to certify the written
2539 agreement or written ballots to recall a director or directors
2540 of the board or does not certify the recall by a vote at a
2541 meeting, the board shall, within 5 full business days after the
2542 meeting, file an action with a court of competent jurisdiction
2543 or file with the department a petition for binding arbitration
2544 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)
2545 and 718.1255 and the rules adopted thereunder. For the purposes
2546 of this section, the members who voted at the meeting or who
2547 executed the agreement in writing shall constitute one party
2548 under the petition for arbitration or in a court action. If the
2549 arbitrator or court certifies the recall as to any director or
2550 directors of the board, the recall will be effective upon the
2551 final order of the court or the mailing of the final order of
2552 arbitration to the association. The director or directors so
2553 recalled shall deliver to the board any and all records of the
2554 association in their possession within 5 full business days
2555 after the effective date of the recall.

2556 (g) If the board fails to duly notice and hold the
2557 required meeting or fails to file the required petition or
2558 action, the parcel unit owner representative may file a petition
2559 or a court action under ~~pursuant to~~ s. 718.1255 challenging the
2560 board's failure to act. The petition or action must be filed
2561 within 60 days after the expiration of the applicable 5-full-
2562 business-day period. The review of a petition or action under

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2563 | this paragraph is limited to the sufficiency of service on the
2564 | board and the facial validity of the written agreement or
2565 | ballots filed.

2566 | (k) A board member who has been recalled may file an
2567 | action with a court of competent jurisdiction or a petition
2568 | under ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules
2569 | adopted challenging the validity of the recall. The petition or
2570 | action must be filed within 60 days after the recall is deemed
2571 | certified. The association and the parcel unit owner
2572 | representative shall be named as respondents.

2573 | (l) The division or a court of competent jurisdiction may
2574 | not accept for filing a recall petition or action, whether filed
2575 | under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),
2576 | or paragraph (k) and regardless of whether the recall was
2577 | certified, when there are 60 or fewer days until the scheduled
2578 | reelection of the board member sought to be recalled or when 60
2579 | or fewer days have not elapsed since the election of the board
2580 | member sought to be recalled.

2581 | Section 31. Subsections (1) and (2) of section 720.305,
2582 | Florida Statutes, are amended to read:

2583 | 720.305 Obligations of members; remedies at law or in
2584 | equity; levy of fines and suspension of use rights.—

2585 | (1) Each member and the member's tenants, guests, and
2586 | invitees, and each association, are governed by, and must comply
2587 | with, this chapter and, the governing documents of the

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2588 community, ~~and the rules of the association~~. Actions at law or
2589 in equity, or both, to redress alleged failure or refusal to
2590 comply with these provisions may be brought by the association
2591 or by any member against:

2592 (a) The association;

2593 (b) A member;

2594 (c) Any director or officer of an association who
2595 willfully and knowingly fails to comply with these provisions;
2596 and

2597 (d) Any tenants, guests, or invitees occupying a parcel or
2598 using the common areas.

2599

2600 The prevailing party in any such litigation is entitled to
2601 recover reasonable attorney fees and costs. A member prevailing
2602 in an action between the association and the member under this
2603 section, in addition to recovering his or her reasonable
2604 attorney fees, may recover additional amounts as determined by
2605 the court to be necessary to reimburse the member for his or her
2606 share of assessments levied by the association to fund its
2607 expenses of the litigation. This relief does not exclude other
2608 remedies provided by law. This section does not deprive any
2609 person of any other available right or remedy.

2610 (2) An ~~The~~ association may levy reasonable fines. A fine
2611 may not exceed \$100 per violation against any member or any
2612 member's tenant, guest, or invitee for the failure of the owner

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2613 of the parcel or its occupant, licensee, or invitee to comply
2614 with any provision of the declaration, the association bylaws,
2615 or reasonable rules of the association unless otherwise provided
2616 in the governing documents. A fine may be levied by the board
2617 for each day of a continuing violation, with a single notice and
2618 opportunity for hearing, except that the fine may not exceed
2619 \$1,000 in the aggregate unless otherwise provided in the
2620 governing documents. A fine of less than \$1,000 may not become a
2621 lien against a parcel. In any action to recover a fine, the
2622 prevailing party is entitled to reasonable attorney fees and
2623 costs from the nonprevailing party as determined by the court.

2624 (a) An association may suspend, for a reasonable period of
2625 time, the right of a member, or a member's tenant, guest, or
2626 invitee, to use common areas and facilities for the failure of
2627 the owner of the parcel or its occupant, licensee, or invitee to
2628 comply with any provision of the declaration, the association
2629 bylaws, or reasonable rules of the association. This paragraph
2630 does not apply to that portion of common areas used to provide
2631 access or utility services to the parcel. A suspension may not
2632 prohibit an owner or tenant of a parcel from having vehicular
2633 and pedestrian ingress to and egress from the parcel, including,
2634 but not limited to, the right to park.

2635 (b) A fine or suspension levied by the board of
2636 administration may not be imposed unless the board first
2637 provides at least 14 days' notice to the parcel owner and, if

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2638 applicable, any occupant, licensee, or invitee of the parcel
2639 owner, sought to be fined or suspended and an opportunity for a
2640 hearing before a committee of at least three members appointed
2641 by the board who are not officers, directors, or employees of
2642 the association, or the spouse, parent, child, brother, or
2643 sister of an officer, director, or employee. If the committee,
2644 by majority vote, does not approve a proposed fine or
2645 suspension, the proposed fine or suspension may not be imposed.
2646 The role of the committee is limited to determining whether to
2647 confirm or reject the fine or suspension levied by the board. If
2648 the proposed fine or suspension levied by the board is approved
2649 by the committee, the fine payment is due 5 days after notice of
2650 the approved fine is provided to the parcel owner and, if
2651 applicable, to any occupant, licensee, or invitee of the parcel
2652 owner ~~the date of the committee meeting at which the fine is~~
2653 ~~approved~~. The association must provide written notice of such
2654 fine or suspension by mail or hand delivery to the parcel owner
2655 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
2656 of the parcel owner.

2657 Section 32. Paragraph (g) of subsection (1) and paragraph
2658 (c) of subsection (9) of section 720.306, Florida Statutes, are
2659 amended, and paragraph (h) is added to subsection (1) of that
2660 section, to read:

2661 720.306 Meetings of members; voting and election
2662 procedures; amendments.-

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2663 (1) QUORUM; AMENDMENTS.—

2664 (g) A notice required under this section must be mailed or
2665 delivered to the address identified as the parcel owner's
2666 mailing address in the official records of the association as
2667 required under s. 720.303(4) on the property appraiser's website
2668 for the county in which the parcel is located, or electronically
2669 transmitted in a manner authorized by the association if the
2670 parcel owner has consented, in writing, to receive notice by
2671 electronic transmission.

2672 (h)1. Except as otherwise provided in this paragraph, an
2673 amendment to any governing document that is enacted after July
2674 1, 2020, that prohibits a parcel owner from renting the parcel,
2675 alters the authorized duration of a rental term, or specifies or
2676 limits the number of times that a parcel owner may rent his or
2677 her parcel during a specified term, applies only to a parcel
2678 owner who acquires title to the parcel after the effective date
2679 of the amendment, or to a parcel owner who consents,
2680 individually or through a representative, to the amendment.

2681 2. Notwithstanding subparagraph 1., an association may
2682 amend its governing documents to prohibit or regulate rentals
2683 for a term of less than 6 months and to prohibit rentals more
2684 than three times in a calendar year, and such amendments shall
2685 apply to all parcel owners.

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2686 3. This paragraph does not affect the amendment
2687 restrictions for associations of 15 or fewer parcel owners under
2688 s. 720.303(1).

2689 4. For purposes of this paragraph, a change of ownership
2690 does not occur when a parcel owner conveys the parcel to an
2691 affiliated entity or when beneficial ownership of the parcel
2692 does not change. For purposes of this subparagraph, the term
2693 "affiliated entity" means an entity that controls, is controlled
2694 by, or is under common control with the parcel owner or that
2695 becomes a parent or successor entity by reason of transfer,
2696 merger, consolidation, public offering, reorganization,
2697 dissolution or sale of stock, or transfer of membership
2698 partnership interests. For a conveyance to be recognized as one
2699 made to an affiliated entity, the entity must furnish the
2700 association a document certifying that this paragraph applies,
2701 as well as providing any organizational documents for the parcel
2702 owner and the affiliated entity that support the representations
2703 in the certificate, as requested by the association.

2704 (9) ELECTIONS AND BOARD VACANCIES.—

2705 (c) Any election dispute between a member and an
2706 association must be submitted to ~~mandatory~~ binding arbitration
2707 with the division or filed with a court of competent
2708 jurisdiction. Such proceedings that are submitted to binding
2709 arbitration with the division must be conducted in the manner
2710 provided by s. 718.1255 and the procedural rules adopted by the

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2711 division. Unless otherwise provided in the bylaws, any vacancy
2712 occurring on the board before the expiration of a term may be
2713 filled by an affirmative vote of the majority of the remaining
2714 directors, even if the remaining directors constitute less than
2715 a quorum, or by the sole remaining director. In the alternative,
2716 a board may hold an election to fill the vacancy, in which case
2717 the election procedures must conform to the requirements of the
2718 governing documents. Unless otherwise provided in the bylaws, a
2719 board member appointed or elected under this section is
2720 appointed for the unexpired term of the seat being filled.
2721 Filling vacancies created by recall is governed by s.
2722 720.303(10) and rules adopted by the division.

2723 Section 33. Subsection (1) of section 720.311, Florida
2724 Statutes, is amended to read:

2725 720.311 Dispute resolution.—

2726 (1) The Legislature finds that alternative dispute
2727 resolution has made progress in reducing court dockets and
2728 trials and in offering a more efficient, cost-effective option
2729 to litigation. The filing of any petition for arbitration or the
2730 serving of a demand for presuit mediation as provided for in
2731 this section shall toll the applicable statute of limitations.
2732 Any recall dispute filed with the department under ~~pursuant to~~
2733 s. 720.303(10) shall be conducted by the department in
2734 accordance with the provisions of ss. 718.112(2)(j) and 718.1255
2735 and the rules adopted by the division. In addition, the

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2736 department shall conduct ~~mandatory~~ binding arbitration of
2737 election disputes between a member and an association in
2738 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the
2739 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are
2740 not eligible for presuit mediation; these disputes must ~~shall~~ be
2741 arbitrated by the department or filed in a court of competent
2742 jurisdiction. At the conclusion of an arbitration ~~the~~
2743 proceeding, the department shall charge the parties a fee in an
2744 amount adequate to cover all costs and expenses incurred by the
2745 department in conducting the proceeding. Initially, the
2746 petitioner shall remit a filing fee of at least \$200 to the
2747 department. The fees paid to the department shall become a
2748 recoverable cost in the arbitration proceeding, and the
2749 prevailing party in an arbitration proceeding shall recover its
2750 reasonable costs and attorney ~~attorney's~~ fees in an amount found
2751 reasonable by the arbitrator. The department shall adopt rules
2752 to effectuate the purposes of this section.

2753 Section 34. Subsection (6) is added to section 720.3075,
2754 Florida Statutes, to read:

2755 720.3075 Prohibited clauses in association documents.—

2756 (6) The association may extinguish a discriminatory
2757 restriction, as provided in 712.065.

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T I T L E A M E N D M E N T

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2761 Remove lines 16-49 and insert:
2762 "yacht"; amending s. 194.011, F.S.; providing that
2763 certain associations may represent, prosecute, or
2764 defend owners in certain proceedings; providing
2765 applicability; requiring specified notice be provided
2766 to unit or parcel owners in a specified way; amending
2767 s. 194.181, F.S.; providing and revising the parties
2768 considered as the defendant in a tax suit; requiring
2769 certain notice to be provided to unit owners in a
2770 specified way; providing unit owners options for
2771 defending a tax suit; imposing certain actions for
2772 unit owners who fail to respond to a specified notice;
2773 amending s. 514.0115, F.S.; exempting certain property
2774 association pools from Department of Health
2775 regulations; amending s. 548.003, F.S.; renaming the
2776 Florida State Boxing Commission as the Florida
2777 Athletic Commission; amending s. 548.043, F.S.;
2778 revising rulemaking requirements for the commission
2779 relating to gloves; amending s. 561.01, F.S.; deleting
2780 the definition of the term "permit carrier"; amending
2781 s. 561.17, F.S.; revising a requirement related to the
2782 filing of fingerprints with the division; requiring
2783 that applications be accompanied by certain
2784 information relating to right of occupancy; providing
2785 requirements relating to contact information for

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2786 licensees and permittees; amending s. 561.20, F.S.;

2787 conforming cross-references; revising requirements for

2788 issuing special licenses to certain food service

2789 establishments; amending s. 561.42, F.S.; requiring

2790 the division, and authorizing vendors, to use

2791 electronic mail to give certain notice; amending s.

2792 561.55, F.S.; revising requirements for reports

2793 relating to alcoholic beverages; amending s. 562.455,

2794 F.S.; removing grains of paradise from the list of

2795 specified substances subject to penalties relating to

2796 adulterating liquor; amending s. 627.714, F.S.;

2797 prohibiting subrogation rights against a condominium

2798 association under certain circumstances; creating s.

2799 712.065, F.S.; defining the term "discriminatory

2800 restriction"; providing that discriminatory

2801 restrictions are unlawful, unenforceable, and void;

2802 providing that discriminatory restrictions are

2803 extinguished and severed from recorded title

2804 transactions; specifying that the recording of certain

2805 notices does not reimpose or preserve a discriminatory

2806 restriction; providing requirements for a parcel owner

2807 to remove a discriminatory restriction from a covenant

2808 or restriction; amending s. 718.111, F.S.; providing

2809 that a condominium association may take certain

2810 actions relating to a challenge to ad valorem taxes in

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2811 its own name or on behalf of unit owners; providing
2812 applicability; requiring an association to provide a
2813 checklist to certain persons requesting records;
2814 requiring that the checklist be signed by a specified
2815 person or the association to provide an affidavit
2816 attesting to the veracity of the checklist; providing
2817 a timeframe for maintaining such checklist and
2818 affidavit; creating a rebuttable presumption; amending
2819 s. 718.112, F.S.; authorizing a condominium
2820 association to extinguish discriminatory restrictions;
2821 revising calculation of a board member's term limit;
2822 providing requirements for certain notices; revising
2823 the fees an association may charge for transfers;
2824 deleting a prohibition against employing or
2825 contracting with certain service providers; amending
2826 s. 718.113, F.S.; defining the terms "natural gas
2827 fuel" and "natural gas fuel vehicle"; revising
2828 legislative findings; revising requirements for
2829 electric vehicle charging stations; providing
2830 requirements for the installation of natural gas fuel
2831 stations on property governed by condominium
2832 associations; amending s. 718.117, F.S.; conforming
2833 provisions to changes made by the act; amending s.
2834 718.121, F.S.; providing when the installation of a
2835 natural gas fuel station may be the basis of a lien;

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2836 amending s. 718.1255, F.S.; authorizing parties to
2837 initiate presuit mediation under certain
2838 circumstances; specifying when arbitration is binding
2839 on the parties; providing requirements for presuit
2840 mediation; amending s. 718.202, F.S.; revising use of
2841 certain withdrawn escrow funds by developers; amending
2842 s. 718.303, F.S.; revising requirements for certain
2843 actions for failure to comply with specified
2844 provisions; revising requirements for certain fines;
2845 amending s. 718.501, F.S.; defining the term
2846 "financial issue"; authorizing the Division of
2847 Condominiums, Timeshares, and Mobile Homes to adopt
2848 rules; amending s. 718.5014, F.S.; revising where the
2849 principal office of the Office of the Condominium
2850 Ombudsman must be maintained; amending s. 719.103,
2851 F.S.; revising the definition of the term "unit" to
2852 specify that an interest in a cooperative unit is an
2853 interest in real property; amending s. 719.104, F.S.;
2854 prohibiting an association from requiring certain
2855 actions relating to the inspection of records;
2856 amending s. 719.106, F.S.; revising provisions
2857 relating to a quorum and voting rights for members
2858 remotely participating in meetings; amending procedure
2859 to challenge a board member recall; authorizing
2860 cooperative associations to extinguish discriminatory

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2861 restrictions; amending s. 720.303, F.S.; authorizing
2862 an association to adopt procedures for electronic
2863 meeting notices; revising the documents that
2864 constitute the official records of an association;
2865 revising when a specified statement must be included
2866 in an association's financial report; revising
2867 requirements for such statement; revising when an
2868 association is deemed to have provided for reserve
2869 accounts; amending procedure to challenge a board
2870 member recall; amending s. 720.304, F.S.; authorizing
2871 a homeowner to display certain flags; amending s.
2872 720.305, F.S.; providing requirements for certain
2873 fines; amending s. 720.306, F.S.; revising
2874 requirements for providing certain notices; providing
2875 limitations on associations when a parcel owner
2876 attempts to rent or lease his or her parcel; amending
2877 the procedure for election disputes; amending s.
2878 720.311, F.S.; amending the procedure for election
2879 disputes; amending s. 720.3075, F.S.; authorizing
2880 homeowners' associations to extinguish discriminatory
2881 restrictions; amending s. 721.15, F.S.;

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