

By Senator Baxley

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1 A bill to be entitled
2 An act relating to community associations; amending s.
3 514.0115, F.S.; exempting certain property association
4 pools from Department of Health regulations; amending
5 s. 627.714, F.S.; prohibiting subrogation rights
6 against a condominium association under certain
7 circumstances; amending s. 718.111, F.S.; requiring
8 that certain records be maintained for a specified
9 time; prohibiting an association from requiring
10 certain actions related to the inspection of records;
11 revising requirements relating to the posting of
12 digital copies of certain documents by certain
13 condominium associations; amending s. 718.112, F.S.;
14 providing that certain provisions in governing
15 documents are void and unenforceable; authorizing
16 associations to record a certain notice in the public
17 record; providing that an association's failure to
18 record a notice in the public record does not form a
19 basis for liability or evidence of discrimination;
20 specifying that only board service that occurs on or
21 after a specified date may be used for calculating a
22 board member's term limit; providing requirements for
23 certain notices; prohibiting an association from
24 charging certain fees; providing an exception;
25 deleting a prohibition against employing or
26 contracting with certain service providers; amending
27 s. 718.113, F.S.; revising regulations for electric
28 vehicle charging stations; amending s. 718.303, F.S.;
29 revising requirements for certain actions for failure

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30 to comply with specified provisions; revising
31 requirements for certain fines; amending s. 718.5014,
32 F.S.; revising where the principal office of the
33 Office of the Condominium Ombudsman must be
34 maintained; amending s. 719.103, F.S.; revising the
35 definition of the term "unit" to specify that an
36 interest in a cooperative unit is an interest in real
37 property; amending s. 719.104, F.S.; prohibiting an
38 association from requiring certain actions related to
39 the inspection of records; making technical changes;
40 amending s. 719.106, F.S.; revising provisions related
41 to a quorum and voting rights for members remotely
42 participating in meetings; providing that certain
43 provisions in governing documents are void and
44 unenforceable; authorizing associations to record a
45 certain notice in the public record; providing that an
46 association's failure to record a notice in the public
47 record does not form a basis for liability or evidence
48 of discrimination; amending s. 720.303, F.S.;
49 authorizing an association to adopt procedures for
50 electronic meeting notices; revising the documents
51 that constitute the official records of an
52 association; amending s. 720.305, F.S.; providing
53 requirements for certain fines; amending s. 720.306,
54 F.S.; revising requirements for providing certain
55 notices; amending s. 720.3075, F.S.; providing that
56 certain provisions in governing documents are void and
57 unenforceable; authorizing associations to record a
58 certain notice in the public record; providing that an

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59 association's failure to record a notice in the public
60 record does not form a basis for liability or evidence
61 of discrimination; providing an effective date.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

65 Section 1. Paragraph (a) of subsection (2) of section
66 514.0115, Florida Statutes, is amended to read:

67 514.0115 Exemptions from supervision or regulation;
68 variances.—

69 (2) (a) Pools serving condominium, cooperative, and
70 homeowners' associations, as well as other property
71 associations, which have no more than 32 ~~condominium or~~
72 ~~cooperative~~ units or parcels and which are not operated as a
73 public lodging establishments are ~~establishment shall be~~ exempt
74 from supervision under this chapter, except for water quality.

75 Section 2. Subsection (4) of section 627.714, Florida
76 Statutes, is amended to read:

77 627.714 Residential condominium unit owner coverage; loss
78 assessment coverage required.—

79 (4) Every individual unit owner's residential property
80 policy must contain a provision stating that the coverage
81 afforded by such policy is excess coverage over the amount
82 recoverable under any other policy covering the same property.
83 If a condominium association's insurance policy does not provide
84 rights for subrogation against the unit owners in the
85 association, an insurance policy issued to an individual unit
86 owner located in the association may not provide rights of
87 subrogation against the condominium association.

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88 Section 3. Paragraphs (a), (b), (c), and (g) of subsection
89 (12) of section 718.111, Florida Statutes, are amended to read:
90 718.111 The association.—

91 (12) OFFICIAL RECORDS.—

92 (a) From the inception of the association, the association
93 shall maintain each of the following items, if applicable, which
94 constitutes the official records of the association:

95 1. A copy of the plans, permits, warranties, and other
96 items provided by the developer pursuant to s. 718.301(4).

97 2. A photocopy of the recorded declaration of condominium
98 of each condominium operated by the association and each
99 amendment to each declaration.

100 3. A photocopy of the recorded bylaws of the association
101 and each amendment to the bylaws.

102 4. A certified copy of the articles of incorporation of the
103 association, or other documents creating the association, and
104 each amendment thereto.

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

106 6. A book or books that contain the minutes of all meetings
107 of the association, the board of administration, and the unit
108 owners.

109 7. A current roster of all unit owners and their mailing
110 addresses, unit identifications, voting certifications, and, if
111 known, telephone numbers. The association shall also maintain
112 the e-mail addresses and facsimile numbers of unit owners
113 consenting to receive notice by electronic transmission. The e-
114 mail addresses and facsimile numbers are not accessible to unit
115 owners if consent to receive notice by electronic transmission
116 is not provided in accordance with sub-subparagraph (c)3.e.

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117 However, the association is not liable for an inadvertent
118 disclosure of the e-mail address or facsimile number for
119 receiving electronic transmission of notices.

120 8. All current insurance policies of the association and
121 condominiums operated by the association.

122 9. A current copy of any management agreement, lease, or
123 other contract to which the association is a party or under
124 which the association or the unit owners have an obligation or
125 responsibility.

126 10. Bills of sale or transfer for all property owned by the
127 association.

128 11. Accounting records for the association and separate
129 accounting records for each condominium that the association
130 operates. Any person who knowingly or intentionally defaces or
131 destroys such records, or who knowingly or intentionally fails
132 to create or maintain such records, with the intent of causing
133 harm to the association or one or more of its members, is
134 personally subject to a civil penalty pursuant to s.

135 718.501(1)(d). The accounting records must include, but are not
136 limited to:

137 a. Accurate, itemized, and detailed records of all receipts
138 and expenditures.

139 b. A current account and a monthly, bimonthly, or quarterly
140 statement of the account for each unit designating the name of
141 the unit owner, the due date and amount of each assessment, the
142 amount paid on the account, and the balance due.

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

145 d. All contracts for work to be performed. Bids for work to

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146 be performed are also considered official records and must be
147 maintained by the association for at least 1 year after receipt
148 of the bid.

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

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

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

158 ~~15. All other written records of the association not~~
159 ~~specifically included in the foregoing which are related to the~~
160 ~~operation of the association.~~

161 ~~16.~~ A copy of the inspection report as described in s.
162 718.301(4)(p).

163 ~~16.17.~~ Bids for materials, equipment, or services.

164 17. All other records of the association not specifically
165 included in subparagraphs 1.-16. which are related to the
166 operation of the association.

167 (b) The official records specified in subparagraphs (a)1.-
168 6. must be permanently maintained from the inception of the
169 association. Bids for work to be performed or for materials,
170 equipment, or services must be maintained for at least 1 year
171 after receipt of the bid. All other official records must be
172 maintained within the state for at least 7 years, unless
173 otherwise provided by general law. The records of the
174 association shall be made available to a unit owner within 45

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175 miles of the condominium property or within the county in which
176 the condominium property is located within 10 working days after
177 receipt of a written request by the board or its designee.
178 However, such distance requirement does not apply to an
179 association governing a timeshare condominium. This paragraph
180 may be complied with by having a copy of the official records of
181 the association available for inspection or copying on the
182 condominium property or association property, or the association
183 may offer the option of making the records available to a unit
184 owner electronically via the Internet or by allowing the records
185 to be viewed in electronic format on a computer screen and
186 printed upon request. The association is not responsible for the
187 use or misuse of the information provided to an association
188 member or his or her authorized representative in pursuant to
189 ~~the compliance with requirements of~~ this chapter unless the
190 association has an affirmative duty not to disclose such
191 information under pursuant to this chapter.

192 (c)1. The official records of the association are open to
193 inspection by any association member or the authorized
194 representative of such member at all reasonable times. The right
195 to inspect the records includes the right to make or obtain
196 copies, at the reasonable expense, if any, of the member or
197 authorized representative of such member. A renter of a unit has
198 a right to inspect and copy the association's bylaws and rules.
199 The association may adopt reasonable rules regarding the
200 frequency, time, location, notice, and manner of record
201 inspections and copying, but may not require a member to
202 demonstrate any purpose or state any reason for the inspection.
203 The failure of an association to provide the records within 10

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204 working days after receipt of a written request creates a
205 rebuttable presumption that the association willfully failed to
206 comply with this paragraph. A unit owner who is denied access to
207 official records is entitled to the actual damages or minimum
208 damages for the association's willful failure to comply. Minimum
209 damages are \$50 per calendar day for up to 10 days, beginning on
210 the 11th working day after receipt of the written request. The
211 failure to permit inspection entitles any person prevailing in
212 an enforcement action to recover reasonable attorney fees from
213 the person in control of the records who, directly or
214 indirectly, knowingly denied access to the records.

215 2. Any person who knowingly or intentionally defaces or
216 destroys accounting records that are required by this chapter to
217 be maintained during the period for which such records are
218 required to be maintained, or who knowingly or intentionally
219 fails to create or maintain accounting records that are required
220 to be created or maintained, with the intent of causing harm to
221 the association or one or more of its members, is personally
222 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

223 3. The association shall maintain an adequate number of
224 copies of the declaration, articles of incorporation, bylaws,
225 and rules, and all amendments to each of the foregoing, as well
226 as the question and answer sheet as described in s. 718.504 and
227 year-end financial information required under this section, on
228 the condominium property to ensure their availability to unit
229 owners and prospective purchasers, and may charge its actual
230 costs for preparing and furnishing these documents to those
231 requesting the documents. An association shall allow a member or
232 his or her authorized representative to use a portable device,

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233 including a smartphone, tablet, portable scanner, or any other
234 technology capable of scanning or taking photographs, to make an
235 electronic copy of the official records in lieu of the
236 association's providing the member or his or her authorized
237 representative with a copy of such records. The association may
238 not charge a member or his or her authorized representative for
239 the use of a portable device. Notwithstanding this paragraph,
240 the following records are not accessible to unit owners:

241 a. Any record protected by the lawyer-client privilege as
242 described in s. 90.502 and any record protected by the work-
243 product privilege, including a record prepared by an association
244 attorney or prepared at the attorney's express direction, which
245 reflects a mental impression, conclusion, litigation strategy,
246 or legal theory of the attorney or the association, and which
247 was prepared exclusively for civil or criminal litigation or for
248 adversarial administrative proceedings, or which was prepared in
249 anticipation of such litigation or proceedings until the
250 conclusion of the litigation or proceedings.

251 b. Information obtained by an association in connection
252 with the approval of the lease, sale, or other transfer of a
253 unit.

254 c. Personnel records of association or management company
255 employees, including, but not limited to, disciplinary, payroll,
256 health, and insurance records. For purposes of this sub-
257 subparagraph, the term "personnel records" does not include
258 written employment agreements with an association employee or
259 management company, or budgetary or financial records that
260 indicate the compensation paid to an association employee.

261 d. Medical records of unit owners.

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262 e. Social security numbers, driver license numbers, credit
263 card numbers, e-mail addresses, telephone numbers, facsimile
264 numbers, emergency contact information, addresses of a unit
265 owner other than as provided to fulfill the association's notice
266 requirements, and other personal identifying information of any
267 person, excluding the person's name, unit designation, mailing
268 address, property address, and any address, e-mail address, or
269 facsimile number provided to the association to fulfill the
270 association's notice requirements. Notwithstanding the
271 restrictions in this sub-subparagraph, an association may print
272 and distribute to unit ~~parcel~~ owners a directory containing the
273 name, unit ~~parcel~~ address, and all telephone numbers of each
274 unit ~~parcel~~ owner. However, an owner may exclude his or her
275 telephone numbers from the directory by so requesting in writing
276 to the association. An owner may consent in writing to the
277 disclosure of other contact information described in this sub-
278 subparagraph. The association is not liable for the inadvertent
279 disclosure of information that is protected under this sub-
280 subparagraph if the information is included in an official
281 record of the association and is voluntarily provided by an
282 owner and not requested by the association.

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

285 g. The software and operating system used by the
286 association which allow the manipulation of data, even if the
287 owner owns a copy of the same software used by the association.
288 The data is part of the official records of the association.

289 (g)1. By January 1, 2019, an association managing a
290 condominium with 150 or more units which does not contain

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291 timeshare units shall post digital copies of the documents
292 specified in subparagraph 2. on its website or make such
293 documents available through an application that can be
294 downloaded on a mobile device.

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

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

298 (II) A website, application, or web portal operated by a
299 third-party provider with whom the association owns, leases,
300 rents, or otherwise obtains the right to operate a web page,
301 subpage, web portal, ~~or~~ collection of subpages or web portals,
302 or application which is dedicated to the association's
303 activities and on which required notices, records, and documents
304 may be posted or made available by the association.

305 b. The association's website or application must be
306 accessible through the Internet and must contain a subpage, web
307 portal, or other protected electronic location that is
308 inaccessible to the general public and accessible only to unit
309 owners and employees of the association.

310 c. Upon a unit owner's written request, the association
311 must provide the unit owner with a username and password and
312 access to the protected sections of the association's website or
313 application that contain any notices, records, or documents that
314 must be electronically provided.

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

317 a. The recorded declaration of condominium of each
318 condominium operated by the association and each amendment to
319 each declaration.

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320 b. The recorded bylaws of the association and each
321 amendment to the bylaws.

322 c. The articles of incorporation of the association, or
323 other documents creating the association, and each amendment to
324 the articles of incorporation or other documents ~~thereto~~. The
325 copy posted pursuant to this sub-subparagraph must be a copy of
326 the articles of incorporation filed with the Department of
327 State.

328 d. The rules of the association.

329 e. A list of all executory contracts or documents to which
330 the association is a party or under which the association or the
331 unit owners have an obligation or responsibility and, after
332 bidding for the related materials, equipment, or services has
333 closed, a list of bids received by the association within the
334 past year. Summaries of bids for materials, equipment, or
335 services which exceed \$500 must be maintained on the website or
336 application for 1 year. In lieu of summaries, complete copies of
337 the bids may be posted.

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

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

343 h. The certification of each director required by s.
344 718.112(2)(d)4.b.

345 i. All contracts or transactions between the association
346 and any director, officer, corporation, firm, or association
347 that is not an affiliated condominium association or any other
348 entity in which an association director is also a director or

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349 officer and financially interested.

350 j. Any contract or document regarding a conflict of
351 interest or possible conflict of interest as provided in ss.
352 468.436(2)(b)6. and 718.3027(3).

353 k. The notice of any unit owner meeting and the agenda for
354 the meeting, as required by s. 718.112(2)(d)3., no later than 14
355 days before the meeting. The notice must be posted in plain view
356 on the front page of the website or application, or on a
357 separate subpage of the website or application labeled "Notices"
358 which is conspicuously visible and linked from the front page.
359 The association must also post on its website or application any
360 document to be considered and voted on by the owners during the
361 meeting or any document listed on the agenda at least 7 days
362 before the meeting at which the document or the information
363 within the document will be considered.

364 1. Notice of any board meeting, the agenda, and any other
365 document required for the meeting as required by s.
366 718.112(2)(c), which must be posted no later than the date
367 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

368 3. The association shall ensure that the information and
369 records described in paragraph (c), which are not allowed to be
370 accessible to unit owners, are not posted on the association's
371 website or application. If protected information or information
372 restricted from being accessible to unit owners is included in
373 documents that are required to be posted on the association's
374 website or application, the association shall ensure the
375 information is redacted before posting the documents ~~online~~.
376 Notwithstanding the foregoing, the association or its agent is
377 not liable for disclosing information that is protected or

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378 restricted under ~~pursuant to~~ this paragraph unless such
379 disclosure was made with a knowing or intentional disregard of
380 the protected or restricted nature of such information.

381 4. The failure of the association to post information
382 required under subparagraph 2. is not in and of itself
383 sufficient to invalidate any action or decision of the
384 association's board or its committees.

385 Section 4. Paragraphs (d), (i), and (p) of subsection (2)
386 of section 718.112, Florida Statutes, are amended, and paragraph
387 (c) is added to subsection (1) of that section, to read:

388 718.112 Bylaws.—

389 (1) GENERALLY.—

390 (c) Any provision of the declaration, the association
391 bylaws, or reasonable rules or regulations of the association
392 which diminishes or infringes upon any right protected under the
393 Fourteenth Amendment to the United States Constitution or Art.
394 II of the State Constitution is void and unenforceable without
395 further action of the association. The association may record a
396 notice in the public records of the county in which the
397 condominium is located evidencing its intention to not enforce
398 such a provision. The failure of an association to record a
399 notice in the public record does not form a basis for liability
400 or evidence of discrimination or a discriminatory intention.

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

404 (d) *Unit owner meetings.*—

405 1. An annual meeting of the unit owners must be held at the
406 location provided in the association bylaws and, if the bylaws

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407 are silent as to the location, the meeting must be held within
408 45 miles of the condominium property. However, such distance
409 requirement does not apply to an association governing a
410 timeshare condominium.

411 2. Unless the bylaws provide otherwise, a vacancy on the
412 board caused by the expiration of a director's term must be
413 filled by electing a new board member, and the election must be
414 by secret ballot. An election is not required if the number of
415 vacancies equals or exceeds the number of candidates. For
416 purposes of this paragraph, the term "candidate" means an
417 eligible person who has timely submitted the written notice, as
418 described in sub-subparagraph 4.a., of his or her intention to
419 become a candidate. Except in a timeshare or nonresidential
420 condominium, or if the staggered term of a board member does not
421 expire until a later annual meeting, or if all members' terms
422 would otherwise expire but there are no candidates, the terms of
423 all board members expire at the annual meeting, and such members
424 may stand for reelection unless prohibited by the bylaws. Board
425 members may serve terms longer than 1 year if permitted by the
426 bylaws or articles of incorporation. A board member may not
427 serve more than 8 consecutive years unless approved by an
428 affirmative vote of unit owners representing two-thirds of all
429 votes cast in the election or unless there are not enough
430 eligible candidates to fill the vacancies on the board at the
431 time of the vacancy. Only board service that occurs on or after
432 July 1, 2018, may be used when calculating a board member's term
433 limit. If the number of board members whose terms expire at the
434 annual meeting equals or exceeds the number of candidates, the
435 candidates become members of the board effective upon the

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436 adjournment of the annual meeting. Unless the bylaws provide
437 otherwise, any remaining vacancies shall be filled by the
438 affirmative vote of the majority of the directors making up the
439 newly constituted board even if the directors constitute less
440 than a quorum or there is only one director. In a residential
441 condominium association of more than 10 units or in a
442 residential condominium association that does not include
443 timeshare units or timeshare interests, co-owners of a unit may
444 not serve as members of the board of directors at the same time
445 unless they own more than one unit or unless there are not
446 enough eligible candidates to fill the vacancies on the board at
447 the time of the vacancy. A unit owner in a residential
448 condominium desiring to be a candidate for board membership must
449 comply with sub-subparagraph 4.a. and must be eligible to be a
450 candidate to serve on the board of directors at the time of the
451 deadline for submitting a notice of intent to run in order to
452 have his or her name listed as a proper candidate on the ballot
453 or to serve on the board. A person who has been suspended or
454 removed by the division under this chapter, or who is delinquent
455 in the payment of any monetary obligation due to the
456 association, is not eligible to be a candidate for board
457 membership and may not be listed on the ballot. A person who has
458 been convicted of any felony in this state or in a United States
459 District or Territorial Court, or who has been convicted of any
460 offense in another jurisdiction which would be considered a
461 felony if committed in this state, is not eligible for board
462 membership unless such felon's civil rights have been restored
463 for at least 5 years as of the date such person seeks election
464 to the board. The validity of an action by the board is not

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465 affected if it is later determined that a board member is
466 ineligible for board membership due to having been convicted of
467 a felony. This subparagraph does not limit the term of a member
468 of the board of a nonresidential or timeshare condominium.

469 3. The bylaws must provide the method of calling meetings
470 of unit owners, including annual meetings. Written notice of an
471 annual meeting must include an agenda; ~~it must~~ be mailed, hand
472 delivered, or electronically transmitted to each unit owner at
473 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
474 a conspicuous place on the condominium property at least 14
475 continuous days before the annual meeting. Written notice of a
476 meeting, other than an annual meeting, must include an agenda;
477 be mailed, hand delivered, or electronically transmitted to each
478 unit owner; and be posted in a conspicuous place on the
479 condominium property in accordance with the minimum period of
480 time for posting a notice as set forth in the bylaws or, if the
481 bylaws do not provide such notice requirements, at least 14
482 continuous days before the meeting. Upon notice to the unit
483 owners, the board shall, by duly adopted rule, designate a
484 specific location on the condominium property where all notices
485 of unit owner meetings must be posted. This requirement does not
486 apply if there is no condominium property for posting notices.
487 In lieu of, or in addition to, the physical posting of meeting
488 notices, the association may, by reasonable rule, adopt a
489 procedure for conspicuously posting and repeatedly broadcasting
490 the notice and the agenda on a closed-circuit cable television
491 system serving the condominium association. However, if
492 broadcast notice is used in lieu of a notice posted physically
493 on the condominium property, the notice and agenda must be

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494 broadcast at least four times every broadcast hour of each day
495 that a posted notice is otherwise required under this section.
496 If broadcast notice is provided, the notice and agenda must be
497 broadcast in a manner and for a sufficient continuous length of
498 time so as to allow an average reader to observe the notice and
499 read and comprehend the entire content of the notice and the
500 agenda. In addition to any of the authorized means of providing
501 notice of a meeting of the board, the association may, by rule,
502 adopt a procedure for conspicuously posting the meeting notice
503 and the agenda on a website serving the condominium association
504 for at least the minimum period of time for which a notice of a
505 meeting is also required to be physically posted on the
506 condominium property. Any rule adopted shall, in addition to
507 other matters, include a requirement that the association send
508 an electronic notice in the same manner as a notice for a
509 meeting of the members, which must include a hyperlink to the
510 website where the notice is posted, to unit owners whose e-mail
511 addresses are included in the association's official records.
512 Unless a unit owner waives in writing the right to receive
513 notice of the annual meeting, such notice must be hand
514 delivered, mailed, or electronically transmitted to each unit
515 owner. Notice for meetings and notice for all other purposes
516 must be mailed to each unit owner at the address last furnished
517 to the association by the unit owner, or hand delivered to each
518 unit owner. However, if a unit is owned by more than one person,
519 the association must provide notice to the address that the
520 developer identifies for that purpose and thereafter as one or
521 more of the owners of the unit advise the association in
522 writing, or if no address is given or the owners of the unit do

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523 not agree, to the address provided on the deed of record. An
524 officer of the association, or the manager or other person
525 providing notice of the association meeting, must provide an
526 affidavit or United States Postal Service certificate of
527 mailing, to be included in the official records of the
528 association affirming that the notice was mailed or hand
529 delivered in accordance with this provision.

530 4. The members of the board of a residential condominium
531 shall be elected by written ballot or voting machine. Proxies
532 may not be used in electing the board in general elections or
533 elections to fill vacancies caused by recall, resignation, or
534 otherwise, unless otherwise provided in this chapter. This
535 subparagraph does not apply to an association governing a
536 timeshare condominium.

537 a. At least 60 days before a scheduled election, the
538 association shall mail, deliver, or electronically transmit, by
539 separate association mailing or included in another association
540 mailing, delivery, or transmission, including regularly
541 published newsletters, to each unit owner entitled to a vote, a
542 first notice of the date of the election. A unit owner or other
543 eligible person desiring to be a candidate for the board must
544 give written notice of his or her intent to be a candidate to
545 the association at least 40 days before a scheduled election.
546 Together with the written notice and agenda as set forth in
547 subparagraph 3., the association shall mail, deliver, or
548 electronically transmit a second notice of the election to all
549 unit owners entitled to vote, together with a ballot that lists
550 all candidates, not less than 14 days or more than 34 days
551 before the date of the election. Upon request of a candidate, an

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552 information sheet, no larger than 8 1/2 inches by 11 inches,
553 which must be furnished by the candidate at least 35 days before
554 the election, must be included with the mailing, delivery, or
555 transmission of the ballot, with the costs of mailing, delivery,
556 or electronic transmission and copying to be borne by the
557 association. The association is not liable for the contents of
558 the information sheets prepared by the candidates. In order to
559 reduce costs, the association may print or duplicate the
560 information sheets on both sides of the paper. The division
561 shall by rule establish voting procedures consistent with this
562 sub-subparagraph, including rules establishing procedures for
563 giving notice by electronic transmission and rules providing for
564 the secrecy of ballots. Elections shall be decided by a
565 plurality of ballots cast. There is no quorum requirement;
566 however, at least 20 percent of the eligible voters must cast a
567 ballot in order to have a valid election. A unit owner may not
568 authorize any other person to vote his or her ballot, and any
569 ballots improperly cast are invalid. A unit owner who violates
570 this provision may be fined by the association in accordance
571 with s. 718.303. A unit owner who needs assistance in casting
572 the ballot for the reasons stated in s. 101.051 may obtain such
573 assistance. The regular election must occur on the date of the
574 annual meeting. Notwithstanding this sub-subparagraph, an
575 election is not required unless more candidates file notices of
576 intent to run or are nominated than board vacancies exist.

577 b. Within 90 days after being elected or appointed to the
578 board of an association of a residential condominium, each newly
579 elected or appointed director shall certify in writing to the
580 secretary of the association that he or she has read the

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581 association's declaration of condominium, articles of
582 incorporation, bylaws, and current written policies; that he or
583 she will work to uphold such documents and policies to the best
584 of his or her ability; and that he or she will faithfully
585 discharge his or her fiduciary responsibility to the
586 association's members. In lieu of this written certification,
587 within 90 days after being elected or appointed to the board,
588 the newly elected or appointed director may submit a certificate
589 of having satisfactorily completed the educational curriculum
590 administered by a division-approved condominium education
591 provider within 1 year before or 90 days after the date of
592 election or appointment. The written certification or
593 educational certificate is valid and does not have to be
594 resubmitted as long as the director serves on the board without
595 interruption. A director of an association of a residential
596 condominium who fails to timely file the written certification
597 or educational certificate is suspended from service on the
598 board until he or she complies with this sub-subparagraph. The
599 board may temporarily fill the vacancy during the period of
600 suspension. The secretary shall cause the association to retain
601 a director's written certification or educational certificate
602 for inspection by the members for 5 years after a director's
603 election or the duration of the director's uninterrupted tenure,
604 whichever is longer. Failure to have such written certification
605 or educational certificate on file does not affect the validity
606 of any board action.

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

609 5. Any approval by unit owners called for by this chapter

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610 or the applicable declaration or bylaws, including, but not
611 limited to, the approval requirement in s. 718.111(8), must be
612 made at a duly noticed meeting of unit owners and is subject to
613 all requirements of this chapter or the applicable condominium
614 documents relating to unit owner decisionmaking, except that
615 unit owners may take action by written agreement, without
616 meetings, on matters for which action by written agreement
617 without meetings is expressly allowed by the applicable bylaws
618 or declaration or any law that provides for such action.

619 6. Unit owners may waive notice of specific meetings if
620 allowed by the applicable bylaws or declaration or any law.
621 Notice of meetings of the board of administration, unit owner
622 meetings, except unit owner meetings called to recall board
623 members under paragraph (j), and committee meetings may be given
624 by electronic transmission to unit owners who consent to receive
625 notice by electronic transmission. A unit owner who consents to
626 receiving notices by electronic transmission is solely
627 responsible for removing or bypassing filters that block receipt
628 of mass e-mails ~~emails~~ sent to members on behalf of the
629 association in the course of giving electronic notices.

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

634 8. A unit owner may tape record or videotape a meeting of
635 the unit owners subject to reasonable rules adopted by the
636 division.

637 9. Unless otherwise provided in the bylaws, any vacancy
638 occurring on the board before the expiration of a term may be

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639 filled by the affirmative vote of the majority of the remaining
640 directors, even if the remaining directors constitute less than
641 a quorum, or by the sole remaining director. In the alternative,
642 a board may hold an election to fill the vacancy, in which case
643 the election procedures must conform to sub-subparagraph 4.a.
644 unless the association governs 10 units or fewer and has opted
645 out of the statutory election process, in which case the bylaws
646 of the association control. Unless otherwise provided in the
647 bylaws, a board member appointed or elected under this section
648 shall fill the vacancy for the unexpired term of the seat being
649 filled. Filling vacancies created by recall is governed by
650 paragraph (j) and rules adopted by the division.

651 10. This chapter does not limit the use of general or
652 limited proxies, require the use of general or limited proxies,
653 or require the use of a written ballot or voting machine for any
654 agenda item or election at any meeting of a timeshare
655 condominium association or nonresidential condominium
656 association.

657
658 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
659 association of 10 or fewer units may, by affirmative vote of a
660 majority of the total voting interests, provide for different
661 voting and election procedures in its bylaws, which may be by a
662 proxy specifically delineating the different voting and election
663 procedures. The different voting and election procedures may
664 provide for elections to be conducted by limited or general
665 proxy.

666 (i) *Transfer fees.*—An association may not ~~ne~~ charge an
667 applicant any fees, except the actual costs of any background

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668 check or screening performed ~~shall be made~~ by the association,
669 ~~or any body thereof~~ in connection with the sale, mortgage,
670 lease, sublease, or other transfer of a unit unless the
671 association is required to approve such transfer and a fee for
672 such approval is provided for in the declaration, articles, or
673 bylaws. Except for the actual costs of any background check or
674 screening performed by the association, any such fee may be
675 preset, but may not ~~in no event may such fee~~ exceed \$100 per
676 applicant other than spouses or a parent and dependent child,
677 ~~who husband/wife or parent/dependent child,~~ which are considered
678 one applicant. However, if the lease or sublease is a renewal of
679 a lease or sublease with the same lessee or sublessee, a charge
680 may not ~~no charge shall~~ be made. The foregoing notwithstanding,
681 an association may, if the authority to do so appears in the
682 declaration, articles, or bylaws, require that a prospective
683 lessee place a security deposit, in an amount not to exceed the
684 equivalent of 1 month's rent, into an escrow account maintained
685 by the association. The security deposit shall protect against
686 damages to the common elements or association property. Payment
687 of interest, claims against the deposit, refunds, and disputes
688 under this paragraph shall be handled in the same fashion as
689 provided in part II of chapter 83.

690 ~~(p) Service providers; conflicts of interest. An~~
691 ~~association, which is not a timeshare condominium association,~~
692 ~~may not employ or contract with any service provider that is~~
693 ~~owned or operated by a board member or with any person who has a~~
694 ~~financial relationship with a board member or officer, or a~~
695 ~~relative within the third degree of consanguinity by blood or~~
696 ~~marriage of a board member or officer. This paragraph does not~~

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697 ~~apply to a service provider in which a board member or officer,~~
698 ~~or a relative within the third degree of consanguinity by blood~~
699 ~~or marriage of a board member or officer, owns less than 1~~
700 ~~percent of the equity shares.~~

701 Section 5. Paragraphs (a) and (c) of subsection (8) of
702 section 718.113, Florida Statutes, are amended to read:

703 718.113 Maintenance; limitation upon improvement; display
704 of flag; hurricane shutters and protection; display of religious
705 decorations.—

706 (8) The Legislature finds that the use of electric vehicles
707 conserves and protects the state's environmental resources,
708 provides significant economic savings to drivers, and serves an
709 important public interest. The participation of condominium
710 associations is essential to the state's efforts to conserve and
711 protect the state's environmental resources and provide economic
712 savings to drivers. Therefore, the installation of an electric
713 vehicle charging station shall be governed as follows:

714 (a) A declaration of condominium or restrictive covenant
715 may not prohibit or be enforced so as to prohibit any unit owner
716 from installing an electric vehicle charging station within the
717 boundaries of the unit owner's limited common element or
718 exclusively designated parking area. The board of administration
719 of a condominium association may not prohibit a unit owner from
720 installing an electric vehicle charging station for an electric
721 vehicle, as defined in s. 320.01, within the boundaries of his
722 or her limited common element or exclusively designated parking
723 area. The installation of such charging stations are subject to
724 the provisions of this subsection.

725 (c) The electricity for the electric vehicle charging

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726 station must be separately metered or must use an embedded meter
727 and be payable by the unit owner installing such charging
728 station.

729 Section 6. Subsection (1) and paragraph (b) of subsection
730 (3) of section 718.303, Florida Statutes, are amended to read:

731 718.303 Obligations of owners and occupants; remedies.—

732 (1) Each unit owner, ~~each~~ tenant and other invitee, and
733 ~~each~~ association is governed by, and must comply with the
734 provisions of, this chapter, the declaration, the documents
735 creating the association, and the association bylaws which are
736 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
737 Actions at law or in equity ~~for damages or for injunctive~~
738 ~~relief~~, or both, for failure to comply with these provisions may
739 be brought by the association or by a unit owner against:

740 (a) The association.

741 (b) A unit owner.

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

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

747 (e) Any tenant leasing a unit, and any other invitee
748 occupying a unit.

749

750 The prevailing party in any such action or in any action in
751 which the purchaser claims a right of voidability based upon
752 contractual provisions as required in s. 718.503(1)(a) is
753 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
754 owner prevailing in an action between the association and the

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755 unit owner under this subsection ~~section~~, in addition to
756 recovering his or her reasonable attorney ~~attorney's~~ fees, may
757 recover additional amounts as determined by the court to be
758 necessary to reimburse the unit owner for his or her share of
759 assessments levied by the association to fund its expenses of
760 the litigation. This relief does not exclude other remedies
761 provided by law. Actions arising under this subsection are not
762 considered ~~may not be deemed to be~~ actions for specific
763 performance.

764 (3) The association may levy reasonable fines for the
765 failure of the owner of the unit or its occupant, licensee, or
766 invitee to comply with any provision of the declaration, the
767 association bylaws, or reasonable rules of the association. A
768 fine may not become a lien against a unit. A fine may be levied
769 by the board on the basis of each day of a continuing violation,
770 with a single notice and opportunity for hearing before a
771 committee as provided in paragraph (b). However, the fine may
772 not exceed \$100 per violation, or \$1,000 in the aggregate.

773 (b) A fine or suspension levied by the board of
774 administration may not be imposed unless the board first
775 provides at least 14 days' written notice to the unit owner and,
776 if applicable, any tenant ~~occupant~~, licensee, or invitee of the
777 unit owner sought to be fined or suspended, and an opportunity
778 for a hearing before a committee of at least three members
779 appointed by the board who are not officers, directors, or
780 employees of the association, or the spouse, parent, child,
781 brother, or sister of an officer, director, or employee. The
782 role of the committee is limited to determining whether to
783 confirm or reject the fine or suspension levied by the board. If

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784 the committee does not approve the proposed fine or suspension
785 by majority vote, the fine or suspension may not be imposed. If
786 the proposed fine or suspension is approved by the committee,
787 the fine payment is due 5 days after notice of the approved fine
788 is provided to the unit owner and, if applicable, to any tenant,
789 licensee, or invitee of the unit owner ~~the date of the committee~~
790 ~~meeting at which the fine is approved.~~ The association must
791 provide written notice of such fine or suspension by mail or
792 hand delivery to the unit owner and, if applicable, to any
793 tenant, licensee, or invitee of the unit owner.

794 Section 7. Section 718.5014, Florida Statutes, is amended
795 to read:

796 718.5014 Ombudsman location.—The ombudsman shall maintain
797 his or her principal office in a Leon County ~~on the premises of~~
798 ~~the division or, if suitable space cannot be provided there, at~~
799 ~~another~~ place convenient to the offices of the division which
800 will enable the ombudsman to expeditiously carry out the duties
801 and functions of his or her office. The ombudsman may establish
802 branch offices elsewhere in the state upon the concurrence of
803 the Governor.

804 Section 8. Subsection (25) of section 719.103, Florida
805 Statutes, is amended to read:

806 719.103 Definitions.—As used in this chapter:

807 (25) "Unit" means a part of the cooperative property which
808 is subject to exclusive use and possession. A unit may be
809 improvements, land, or land and improvements together, as
810 specified in the cooperative documents. An interest in a unit is
811 an interest in real property.

812 Section 9. Paragraph (c) of subsection (2) of section

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813 719.104, Florida Statutes, is amended to read:

814 719.104 Cooperatives; access to units; records; financial
815 reports; assessments; purchase of leases.—

816 (2) OFFICIAL RECORDS.—

817 (c) The official records of the association are open to
818 inspection by any association member or the authorized
819 representative of such member at all reasonable times. The right
820 to inspect the records includes the right to make or obtain
821 copies, at the reasonable expense, if any, of the association
822 member. The association may adopt reasonable rules regarding the
823 frequency, time, location, notice, and manner of record
824 inspections and copying, but may not require a member to
825 demonstrate any purpose or state any reason for the inspection.

826 The failure of an association to provide the records within 10
827 working days after receipt of a written request creates a
828 rebuttable presumption that the association willfully failed to
829 comply with this paragraph. A member ~~unit-owner~~ who is denied
830 access to official records is entitled to the actual damages or
831 minimum damages for the association's willful failure to comply.
832 The minimum damages are \$50 per calendar day for up to 10 days,
833 beginning on the 11th working day after receipt of the written
834 request. The failure to permit inspection entitles any person
835 prevailing in an enforcement action to recover reasonable
836 attorney fees from the person in control of the records who,
837 directly or indirectly, knowingly denied access to the records.
838 Any person who knowingly or intentionally defaces or destroys
839 accounting records that are required by this chapter to be
840 maintained during the period for which such records are required
841 to be maintained, or who knowingly or intentionally fails to

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842 create or maintain accounting records that are required to be
843 created or maintained, with the intent of causing harm to the
844 association or one or more of its members, is personally subject
845 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
846 association shall maintain an adequate number of copies of the
847 declaration, articles of incorporation, bylaws, and rules, and
848 all amendments to each of the foregoing, as well as the question
849 and answer sheet as described in s. 719.504 and year-end
850 financial information required by the department, on the
851 cooperative property to ensure their availability to members
852 ~~unit owners~~ and prospective purchasers, and may charge its
853 actual costs for preparing and furnishing these documents to
854 those requesting the same. An association shall allow a member
855 or his or her authorized representative to use a portable
856 device, including a smartphone, tablet, portable scanner, or any
857 other technology capable of scanning or taking photographs, to
858 make an electronic copy of the official records in lieu of the
859 association providing the member or his or her authorized
860 representative with a copy of such records. The association may
861 not charge a member or his or her authorized representative for
862 the use of a portable device. Notwithstanding this paragraph,
863 the following records shall not be accessible to members ~~unit~~
864 ~~owners~~:

865 1. Any record protected by the lawyer-client privilege as
866 described in s. 90.502 and any record protected by the work-
867 product privilege, including any record prepared by an
868 association attorney or prepared at the attorney's express
869 direction which reflects a mental impression, conclusion,
870 litigation strategy, or legal theory of the attorney or the

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871 association, and which was prepared exclusively for civil or
872 criminal litigation or for adversarial administrative
873 proceedings, or which was prepared in anticipation of such
874 litigation or proceedings until the conclusion of the litigation
875 or proceedings.

876 2. Information obtained by an association in connection
877 with the approval of the lease, sale, or other transfer of a
878 unit.

879 3. Personnel records of association or management company
880 employees, including, but not limited to, disciplinary, payroll,
881 health, and insurance records. For purposes of this
882 subparagraph, the term "personnel records" does not include
883 written employment agreements with an association employee or
884 management company, or budgetary or financial records that
885 indicate the compensation paid to an association employee.

886 4. Medical records of unit owners.

887 5. Social security numbers, driver license numbers, credit
888 card numbers, e-mail addresses, telephone numbers, facsimile
889 numbers, emergency contact information, addresses of a unit
890 owner other than as provided to fulfill the association's notice
891 requirements, and other personal identifying information of any
892 person, excluding the person's name, unit designation, mailing
893 address, property address, and any address, e-mail address, or
894 facsimile number provided to the association to fulfill the
895 association's notice requirements. Notwithstanding the
896 restrictions in this subparagraph, an association may print and
897 distribute to unit ~~parcel~~ owners a directory containing the
898 name, unit ~~parcel~~ address, and all telephone numbers of each
899 unit ~~parcel~~ owner. However, an owner may exclude his or her

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900 telephone numbers from the directory by so requesting in writing
901 to the association. An owner may consent in writing to the
902 disclosure of other contact information described in this
903 subparagraph. The association is not liable for the inadvertent
904 disclosure of information that is protected under this
905 subparagraph if the information is included in an official
906 record of the association and is voluntarily provided by an
907 owner and not requested by the association.

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

910 7. The software and operating system used by the
911 association which allow the manipulation of data, even if the
912 owner owns a copy of the same software used by the association.
913 The data is part of the official records of the association.

914 Section 10. Paragraph (b) of subsection (1) of section
915 719.106, Florida Statutes, is amended, and subsection (3) is
916 added to that section, to read:

917 719.106 Bylaws; cooperative ownership.—

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

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

922 1. Unless otherwise provided in the bylaws, the percentage
923 of voting interests required to constitute a quorum at a meeting
924 of the members shall be a majority of voting interests, and
925 decisions shall be made by owners of a majority of the voting
926 interests. Unless otherwise provided in this chapter, or in the
927 articles of incorporation, bylaws, or other cooperative
928 documents, and except as provided in subparagraph (d)1.,

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929 decisions shall be made by owners of a majority of the voting
930 interests represented at a meeting at which a quorum is present.

931 2. Except as specifically otherwise provided herein, after
932 January 1, 1992, unit owners may not vote by general proxy, but
933 may vote by limited proxies substantially conforming to a
934 limited proxy form adopted by the division. Limited proxies and
935 general proxies may be used to establish a quorum. Limited
936 proxies shall be used for votes taken to waive or reduce
937 reserves in accordance with subparagraph (j)2., for votes taken
938 to waive the financial reporting requirements of s.

939 719.104(4)(b), for votes taken to amend the articles of
940 incorporation or bylaws pursuant to this section, and for any
941 other matter for which this chapter requires or permits a vote
942 of the unit owners. Except as provided in paragraph (d), after
943 January 1, 1992, no proxy, limited or general, shall be used in
944 the election of board members. General proxies may be used for
945 other matters for which limited proxies are not required, and
946 may also be used in voting for nonsubstantive changes to items
947 for which a limited proxy is required and given. Notwithstanding
948 the provisions of this section, unit owners may vote in person
949 at unit owner meetings. Nothing contained herein shall limit the
950 use of general proxies or require the use of limited proxies or
951 require the use of limited proxies for any agenda item or
952 election at any meeting of a timeshare cooperative.

953 3. Any proxy given shall be effective only for the specific
954 meeting for which originally given and any lawfully adjourned
955 meetings thereof. In no event shall any proxy be valid for a
956 period longer than 90 days after the date of the first meeting
957 for which it was given. Every proxy shall be revocable at any

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958 time at the pleasure of the unit owner executing it.

959 4. A member of the board of administration or a committee
960 may submit in writing his or her agreement or disagreement with
961 any action taken at a meeting that the member did not attend.
962 This agreement or disagreement may not be used as a vote for or
963 against the action taken and may not be used for the purposes of
964 creating a quorum.

965 5. A board or committee member participating in a meeting
966 via telephone, real-time video conferencing, or similar real-
967 time electronic or video communication counts toward a quorum,
968 and such member may vote as if physically present; however, a
969 ~~When some or all of the board or committee members meet by~~
970 ~~telephone conference, those board or committee members attending~~
971 ~~by telephone conference may be counted toward obtaining a quorum~~
972 ~~and may vote by telephone. A telephone speaker must shall be~~
973 used utilized so that the conversation of such ~~those board or~~
974 ~~committee members attending by telephone~~ may be heard by the
975 board or committee members attending in person, as well as by
976 any unit owners present at a meeting.

977 (3) GENERALLY.—Any provision of the declaration, the
978 association bylaws, or reasonable rules or regulations of the
979 association which diminishes or infringes upon any right
980 protected under the Fourteenth Amendment to the United States
981 Constitution or Art. II of the State Constitution is void and
982 unenforceable without further action of the association. The
983 association may record a notice in the public records of the
984 county in which the cooperative is located evidencing its
985 intention to not enforce such a provision. The failure of an
986 association to record a notice in the public record does not

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987 form a basis for liability or evidence of discrimination or a
988 discriminatory intention.

989 Section 11. Paragraph (1) of subsection (4) of section
990 720.303, Florida Statutes, is redesignated as paragraph (m), a
991 new paragraph (1) is added to that subsection, and paragraph (c)
992 of subsection (2) and paragraph (1) of subsection (4) of that
993 section are amended, to read:

994 720.303 Association powers and duties; meetings of board;
995 official records; budgets; financial reporting; association
996 funds; recalls.—

997 (2) BOARD MEETINGS.—

998 (c) The bylaws shall provide the following for giving
999 notice to parcel owners and members of all board meetings and,
1000 if they do not do so, shall be deemed to include the following:

1001 1. Notices of all board meetings must be posted in a
1002 conspicuous place in the community at least 48 hours in advance
1003 of a meeting, except in an emergency. In the alternative, if
1004 notice is not posted in a conspicuous place in the community,
1005 notice of each board meeting must be mailed or delivered to each
1006 member at least 7 days before the meeting, except in an
1007 emergency. Notwithstanding this general notice requirement, for
1008 communities with more than 100 members, the association bylaws
1009 may provide for a reasonable alternative to posting or mailing
1010 of notice for each board meeting, including publication of
1011 notice, provision of a schedule of board meetings, or the
1012 conspicuous posting and repeated broadcasting of the notice on a
1013 closed-circuit cable television system serving the homeowners'
1014 association. However, if broadcast notice is used in lieu of a
1015 notice posted physically in the community, the notice must be

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1016 broadcast at least four times every broadcast hour of each day
1017 that a posted notice is otherwise required. When broadcast
1018 notice is provided, the notice and agenda must be broadcast in a
1019 manner and for a sufficient continuous length of time so as to
1020 allow an average reader to observe the notice and read and
1021 comprehend the entire content of the notice and the agenda. In
1022 addition to any of the authorized means of providing notice of a
1023 meeting of the board, the association may adopt by rule a
1024 procedure for conspicuously posting the meeting notice and the
1025 agenda on the association's website for at least the minimum
1026 period of time for which a notice of a meeting is also required
1027 to be physically posted on the association property. Any such
1028 rule must require the association to send to members whose e-
1029 mail addresses are included in the association's official
1030 records an electronic notice in the same manner as is required
1031 for a notice of a meeting of the members. Such notice must
1032 include a hyperlink to the website where the notice is posted.
1033 The association may provide notice by electronic transmission in
1034 a manner authorized by law for meetings of the board of
1035 directors, committee meetings requiring notice under this
1036 section, and annual and special meetings of the members to any
1037 member who has provided a facsimile number or e-mail address to
1038 the association to be used for such purposes; however, a member
1039 must consent in writing to receiving notice by electronic
1040 transmission.

1041 2. An assessment may not be levied at a board meeting
1042 unless the notice of the meeting includes a statement that
1043 assessments will be considered and the nature of the
1044 assessments. Written notice of any meeting at which special

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1045 assessments will be considered or at which amendments to rules
1046 regarding parcel use will be considered must be mailed,
1047 delivered, or electronically transmitted to the members and
1048 parcel owners and posted conspicuously on the property or
1049 broadcast on closed-circuit cable television not less than 14
1050 days before the meeting.

1051 3. Directors may not vote by proxy or by secret ballot at
1052 board meetings, except that secret ballots may be used in the
1053 election of officers. This subsection also applies to the
1054 meetings of any committee or other similar body, when a final
1055 decision will be made regarding the expenditure of association
1056 funds, and to any body vested with the power to approve or
1057 disapprove architectural decisions with respect to a specific
1058 parcel of residential property owned by a member of the
1059 community.

1060 (4) OFFICIAL RECORDS.—The association shall maintain each
1061 of the following items, when applicable, which constitute the
1062 official records of the association:

1063 (1) Ballots, sign-in sheets, voting proxies, and all other
1064 papers and electronic records relating to voting by parcel
1065 owners, which must be maintained for at least 1 year after the
1066 date of the election, vote, or meeting.

1067 (m) ~~(1)~~ All other ~~written~~ records of the association not
1068 specifically included in this subsection ~~the foregoing~~ which are
1069 related to the operation of the association.

1070 Section 12. Subsections (1) and (2) of section 720.305,
1071 Florida Statutes, are amended to read:

1072 720.305 Obligations of members; remedies at law or in
1073 equity; levy of fines and suspension of use rights.—

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1074 (1) Each member and the member's tenants, guests, and
1075 invitees, and each association, are governed by, and must comply
1076 with, this chapter and, the governing documents of the
1077 community, ~~and the rules of the association~~. Actions at law or
1078 in equity, or both, to redress alleged failure or refusal to
1079 comply with these provisions may be brought by the association
1080 or by any member against:

1081 (a) The association;

1082 (b) A member;

1083 (c) Any director or officer of an association who willfully
1084 and knowingly fails to comply with these provisions; and

1085 (d) Any tenants, guests, or invitees occupying a parcel or
1086 using the common areas.

1087
1088 The prevailing party in any such litigation is entitled to
1089 recover reasonable attorney fees and costs. A member prevailing
1090 in an action between the association and the member under this
1091 section, in addition to recovering his or her reasonable
1092 attorney fees, may recover additional amounts as determined by
1093 the court to be necessary to reimburse the member for his or her
1094 share of assessments levied by the association to fund its
1095 expenses of the litigation. This relief does not exclude other
1096 remedies provided by law. This section does not deprive any
1097 person of any other available right or remedy.

1098 (2) An ~~The~~ association may levy reasonable fines. A fine
1099 may not exceed \$100 per violation against any member or any
1100 member's tenant, guest, or invitee for the failure of the owner
1101 of the parcel or its occupant, licensee, or invitee to comply
1102 with any provision of the declaration, the association bylaws,

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1103 or reasonable rules of the association unless otherwise provided
1104 in the governing documents. A fine may be levied by the board
1105 for each day of a continuing violation, with a single notice and
1106 opportunity for hearing, except that the fine may not exceed
1107 \$1,000 in the aggregate unless otherwise provided in the
1108 governing documents. A fine of less than \$1,000 may not become a
1109 lien against a parcel. In any action to recover a fine, the
1110 prevailing party is entitled to reasonable attorney fees and
1111 costs from the nonprevailing party as determined by the court.

1112 (a) An association may suspend, for a reasonable period of
1113 time, the right of a member, or a member's tenant, guest, or
1114 invitee, to use common areas and facilities for the failure of
1115 the owner of the parcel or its occupant, licensee, or invitee to
1116 comply with any provision of the declaration, the association
1117 bylaws, or reasonable rules of the association. This paragraph
1118 does not apply to that portion of common areas used to provide
1119 access or utility services to the parcel. A suspension may not
1120 prohibit an owner or tenant of a parcel from having vehicular
1121 and pedestrian ingress to and egress from the parcel, including,
1122 but not limited to, the right to park.

1123 (b) A fine or suspension levied by the board of
1124 administration may not be imposed unless the board first
1125 provides at least 14 days' notice to the parcel owner and, if
1126 applicable, any occupant, licensee, or invitee of the parcel
1127 owner, sought to be fined or suspended and an opportunity for a
1128 hearing before a committee of at least three members appointed
1129 by the board who are not officers, directors, or employees of
1130 the association, or the spouse, parent, child, brother, or
1131 sister of an officer, director, or employee. If the committee,

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1132 by majority vote, does not approve a proposed fine or
1133 suspension, the proposed fine or suspension may not be imposed.
1134 The role of the committee is limited to determining whether to
1135 confirm or reject the fine or suspension levied by the board. If
1136 the proposed fine or suspension levied by the board is approved
1137 by the committee, the fine payment is due 5 days after notice of
1138 the approved fine is provided to the parcel owner and, if
1139 applicable, to any occupant, licensee, or invitee of the parcel
1140 owner ~~the date of the committee meeting at which the fine is~~
1141 ~~approved~~. The association must provide written notice of such
1142 fine or suspension by mail or hand delivery to the parcel owner
1143 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
1144 of the parcel owner.

1145 Section 13. Paragraph (g) of subsection (1) of section
1146 720.306, Florida Statutes, is amended to read:

1147 720.306 Meetings of members; voting and election
1148 procedures; amendments.—

1149 (1) QUORUM; AMENDMENTS.—

1150 (g) A notice required under this section must be mailed or
1151 delivered to the address identified as the parcel owner's
1152 mailing address in the official records of the association as
1153 required under s. 720.303(4) ~~on the property appraiser's website~~
1154 ~~for the county in which the parcel is located~~, or electronically
1155 transmitted in a manner authorized by the association if the
1156 parcel owner has consented, in writing, to receive notice by
1157 electronic transmission.

1158 Section 14. Subsection (6) is added to section 720.3075,
1159 Florida Statutes, to read:

1160 720.3075 Prohibited clauses in association documents.—

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1161 (6) Any provision of the declaration, the association
1162 bylaws, or reasonable rules or regulations of the association
1163 which diminishes or infringes upon any right protected under the
1164 Fourteenth Amendment to the United States Constitution or Art.
1165 II of the State Constitution is void and unenforceable without
1166 further action of the association. The association may record a
1167 notice in the public records of the county in which the
1168 community is located evidencing its intention to not enforce
1169 such a provision. The failure of an association to record a
1170 notice in the public record does not form a basis for liability
1171 or evidence of discrimination or a discriminatory intention.

1172 Section 15. This act shall take effect July 1, 2020.