

**By** the Committee on Innovation, Industry, and Technology; and  
Senator Pizzo

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1                                   A bill to be entitled  
2           An act relating to condominium associations; amending  
3           s. 194.011, F.S.; providing that certain associations  
4           may continue to represent, prosecute, or defend unit  
5           owners in certain proceedings; providing  
6           applicability; amending s. 194.181, F.S.; revising the  
7           parties considered to be the defendant in a tax suit;  
8           requiring condominium and cooperative associations to  
9           provide unit owners with certain notice and  
10          information under certain circumstances; providing  
11          requirements for such notice; specifying that a unit  
12          owner who does not respond to the notice will be  
13          represented in the response or answer filed by the  
14          association; amending s. 718.111, F.S.; revising  
15          criminal penalties relating to the acceptance of  
16          things or services of value or kickbacks; authorizing  
17          a condominium association to take certain actions  
18          relating to ad valorem taxes assessed on units for  
19          commonly used facilities or common elements; providing  
20          applicability; revising the documents required to be  
21          included with accounting records; requiring an  
22          association to maintain official records in a  
23          specified manner; revising requirements for the  
24          creation of a rebuttable presumption relating to the  
25          provision of records; authorizing an association to  
26          direct certain persons to the association's website to  
27          fulfill certain obligations relating to the inspection  
28          of records; requiring an association to provide a  
29          checklist and a sworn affidavit to persons requesting

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30 to inspect records; requiring the association to  
31 maintain the checklist for a specified period of time;  
32 creating a rebuttable presumption for an association  
33 that provides such checklist and sworn affidavit;  
34 providing criminal penalties for certain violations  
35 relating to official association records; defining the  
36 term "repeatedly"; requiring certain associations to  
37 post copies of certain documents on their websites by  
38 a specified date; revising criminal penalties relating  
39 to the use of association debit cards; defining the  
40 term "lawful obligation of the association"; creating  
41 s. 718.129, F.S.; providing criminal penalties for  
42 fraudulent voting activities related to association  
43 elections; amending s. 718.501, F.S.; revising the  
44 jurisdiction of the Division of Florida Condominiums,  
45 Timeshares, and Mobile Homes of the Department of  
46 Business and Professional Regulation with regard to  
47 investigating complaints; defining the term "financial  
48 issues"; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Paragraph (e) of subsection (3) of section  
53 194.011, Florida Statutes, is amended to read:

54 194.011 Assessment notice; objections to assessments.—

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

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

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59 taxpayer chooses to use it. A petition to the value adjustment  
60 board must be signed by the taxpayer or be accompanied at the  
61 time of filing by the taxpayer's written authorization or power  
62 of attorney, unless the person filing the petition is listed in  
63 s. 194.034(1) (a). A person listed in s. 194.034(1) (a) may file a  
64 petition with a value adjustment board without the taxpayer's  
65 signature or written authorization by certifying under penalty  
66 of perjury that he or she has authorization to file the petition  
67 on behalf of the taxpayer. If a taxpayer notifies the value  
68 adjustment board that a petition has been filed for the  
69 taxpayer's property without his or her consent, the value  
70 adjustment board may require the person filing the petition to  
71 provide written authorization from the taxpayer authorizing the  
72 person to proceed with the appeal before a hearing is held. If  
73 the value adjustment board finds that a person listed in s.  
74 194.034(1) (a) willfully and knowingly filed a petition that was  
75 not authorized by the taxpayer, the value adjustment board shall  
76 require such person to provide the taxpayer's written  
77 authorization for representation to the value adjustment board  
78 clerk before any petition filed by that person is heard, for 1  
79 year after imposition of such requirement by the value  
80 adjustment board. A power of attorney or written authorization  
81 is valid for 1 assessment year, and a new power of attorney or  
82 written authorization by the taxpayer is required for each  
83 subsequent assessment year. A petition shall also describe the  
84 property by parcel number and shall be filed as follows:

85 (e)1. A condominium association as described in chapter  
86 718, a cooperative association as described in chapter 719, or a  
87 ~~any~~ homeowners' association as defined in s. 723.075, with

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88 approval of its board of administration or directors, may file  
89 with the value adjustment board a single joint petition on  
90 behalf of any association members who own units or parcels of  
91 property which the property appraiser determines are  
92 substantially similar with respect to location, proximity to  
93 amenities, number of rooms, living area, and condition. The  
94 condominium association, cooperative association, or homeowners'  
95 association ~~as defined in s. 723.075~~ shall provide the unit or  
96 parcel owners with notice of its intent to petition the value  
97 adjustment board and shall provide at least 20 days for a unit  
98 or parcel owner to elect, in writing, that his or her unit or  
99 parcel not be included in the petition.

100 2. A condominium association as described in chapter 718,  
101 or a cooperative association as described in chapter 719, which  
102 has filed a single joint petition under this subsection may  
103 continue to represent, prosecute, or defend the unit owners  
104 through any related subsequent proceeding in any tribunal,  
105 including judicial review under part II of this chapter and any  
106 appeals. This subparagraph is intended to clarify existing law  
107 and applies to cases pending on July 1, 2020.

108 Section 2. Subsection (2) of section 194.181, Florida  
109 Statutes, is amended to read:

110 194.181 Parties to a tax suit.—

111 (2) (a) In any case brought by a ~~the~~ taxpayer or a  
112 condominium or cooperative association, as described in chapters  
113 718 and 719, respectively, on behalf of some or all unit owners  
114 to contest ~~contesting~~ the assessment of any property, the county  
115 property appraiser is the ~~shall be~~ party defendant.

116 (b) Except as provided in paragraph (c), in any case

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117 brought by the property appraiser under ~~pursuant to~~ s.  
118 194.036(1) (a) or (b), the taxpayer is the ~~shall be~~ party  
119 defendant.

120 (c) In any case brought by the property appraiser under s.  
121 194.036(1) (a) or (b) concerning a value adjustment board  
122 decision on a single joint petition filed by a condominium or  
123 cooperative association under s. 194.011(3), the association and  
124 all unit owners included in the single joint petition are the  
125 party defendants.

126 1. The condominium or cooperative association must provide  
127 unit owners with notice of its intent to respond to or answer  
128 the property appraiser's complaint and advise the unit owners  
129 that they may elect to:

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

131 b. Choose not to defend the appeal; or

132 c. Be represented together with other unit owners in the  
133 response or answer filed by the association.

134 2. The notice required in subparagraph 1. must be mailed,  
135 delivered, or electronically transmitted to unit owners and  
136 posted conspicuously on the condominium or cooperative property  
137 in the same manner as is required for notice of board meetings  
138 under s. 718.112(2) or s. 719.106(1), as applicable. Any unit  
139 owner who does not respond to the association's notice will be  
140 represented in the response or answer filed by the association.

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

144 Section 3. Paragraphs (a) and (d) of subsection (1),  
145 subsection (3), paragraphs (a), (b), (c), and (g) of subsection

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146 (12), and paragraph (b) of subsection (15) of section 718.111,  
147 Florida Statutes, are amended to read:

148 718.111 The association.—

149 (1) CORPORATE ENTITY.—

150 (a) The operation of the condominium shall be by the  
151 association, which must be a Florida corporation for profit or a  
152 Florida corporation not for profit. However, any association  
153 which was in existence on January 1, 1977, need not be  
154 incorporated. The owners of units shall be shareholders or  
155 members of the association. The officers and directors of the  
156 association have a fiduciary relationship to the unit owners. It  
157 is the intent of the Legislature that nothing in this paragraph  
158 shall be construed as providing for or removing a requirement of  
159 a fiduciary relationship between any manager employed by the  
160 association and the unit owners. An officer, director, or  
161 manager may not solicit, offer to accept, or accept any thing or  
162 service of value or kickback for which consideration has not  
163 been provided for his or her own benefit or that of his or her  
164 immediate family, from any person providing or proposing to  
165 provide goods or services to the association. Any such officer,  
166 director, or manager who knowingly so solicits, offers to  
167 accept, or accepts any thing or service of value or kickback  
168 commits a felony of the third degree, punishable as provided in  
169 s. 775.082, s. 775.083, or s. 775.084, and is subject to a civil  
170 penalty pursuant to s. 718.501(1)(d) and, if applicable, a  
171 criminal penalty as provided in paragraph (d). However, this  
172 paragraph does not prohibit an officer, director, or manager  
173 from accepting services or items received in connection with  
174 trade fairs or education programs. An association may operate

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175 more than one condominium.

176 (d) As required by s. 617.0830, an officer, director, or  
177 agent shall discharge his or her duties in good faith, with the  
178 care an ordinarily prudent person in a like position would  
179 exercise under similar circumstances, and in a manner he or she  
180 reasonably believes to be in the interests of the association.  
181 An officer, director, or agent shall be liable for monetary  
182 damages as provided in s. 617.0834 if such officer, director, or  
183 agent breached or failed to perform his or her duties and the  
184 breach of, or failure to perform, his or her duties constitutes  
185 a violation of criminal law as provided in s. 617.0834;  
186 constitutes a transaction from which the officer or director  
187 derived an improper personal benefit, either directly or  
188 indirectly; or constitutes recklessness or an act or omission  
189 that was in bad faith, with malicious purpose, or in a manner  
190 exhibiting wanton and willful disregard of human rights, safety,  
191 or property. ~~Forgery of a ballot envelope or voting certificate~~  
192 ~~used in a condominium association election is punishable as~~  
193 ~~provided in s. 831.01, the theft or embezzlement of funds of a~~  
194 ~~condominium association is punishable as provided in s. 812.014,~~  
195 ~~and the destruction of or the refusal to allow inspection or~~  
196 ~~copying of an official record of a condominium association that~~  
197 ~~is accessible to unit owners within the time periods required by~~  
198 ~~general law in furtherance of any crime is punishable as~~  
199 ~~tampering with physical evidence as provided in s. 918.13 or as~~  
200 ~~obstruction of justice as provided in chapter 843. An officer or~~  
201 director charged by information or indictment with a crime  
202 referenced in this paragraph must be removed from office, and  
203 the vacancy shall be filled as provided in s. 718.112(2)(d)2.

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204 until the end of the officer's or director's period of  
205 suspension or the end of his or her term of office, whichever  
206 occurs first. If a criminal charge is pending against the  
207 officer or director, he or she may not be appointed or elected  
208 to a position as an officer or a director of any association and  
209 may not have access to the official records of any association,  
210 except pursuant to a court order. However, if the charges are  
211 resolved without a finding of guilt, the officer or director  
212 must be reinstated for the remainder of his or her term of  
213 office, if any.

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

216 (a) The association may contract, sue, or be sued with  
217 respect to the exercise or nonexercise of its powers. For these  
218 purposes, the powers of the association include, but are not  
219 limited to, the maintenance, management, and operation of the  
220 condominium property.

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

223 1. Institute, maintain, settle, or appeal actions or  
224 hearings in its name on behalf of all unit owners concerning  
225 matters of common interest to most or all unit owners,  
226 including, but not limited to, the common elements; the roof and  
227 structural components of a building or other improvements;  
228 mechanical, electrical, and plumbing elements serving an  
229 improvement or a building; representations of the developer  
230 pertaining to any existing or proposed commonly used facilities;

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

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233       3. Defend actions pertaining to ad valorem taxation of  
234 commonly used facilities or units or pertaining to ~~in~~ eminent  
235 domain; or

236       4. Bring inverse condemnation actions.

237       (c) If the association has the authority to maintain a  
238 class action, the association may be joined in an action as  
239 representative of that class with reference to litigation and  
240 disputes involving the matters for which the association could  
241 bring a class action.

242       (d) The association, in its own name or on behalf of some  
243 or all unit owners, may institute, file, protest, maintain, or  
244 defend any administrative challenge, lawsuit, appeal, or other  
245 challenge to ad valorem taxes assessed on units for commonly  
246 used facilities or common elements. The affected association  
247 members are not necessary or indispensable parties to such  
248 actions. This paragraph is intended to clarify existing law and  
249 applies to cases pending on July 1, 2020.

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

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

256       (12) OFFICIAL RECORDS.—

257       (a) From the inception of the association, the association  
258 shall maintain each of the following items, if applicable, which  
259 constitutes the official records of the association:

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

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262           2. A photocopy of the recorded declaration of condominium  
263 of each condominium operated by the association and each  
264 amendment to each declaration.

265           3. A photocopy of the recorded bylaws of the association  
266 and each amendment to the bylaws.

267           4. A certified copy of the articles of incorporation of the  
268 association, or other documents creating the association, and  
269 each amendment thereto.

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

271           6. A book or books that contain the minutes of all meetings  
272 of the association, the board of administration, and the unit  
273 owners.

274           7. A current roster of all unit owners and their mailing  
275 addresses, unit identifications, voting certifications, and, if  
276 known, telephone numbers. The association shall also maintain  
277 the e-mail addresses and facsimile numbers of unit owners  
278 consenting to receive notice by electronic transmission. The e-  
279 mail addresses and facsimile numbers are not accessible to unit  
280 owners if consent to receive notice by electronic transmission  
281 is not provided in accordance with sub-subparagraph (c)5.e.  
282 ~~(c)3.e.~~ However, the association is not liable for an  
283 inadvertent disclosure of the e-mail address or facsimile number  
284 for receiving electronic transmission of notices.

285           8. All current insurance policies of the association and  
286 condominiums operated by the association.

287           9. A current copy of any management agreement, lease, or  
288 other contract to which the association is a party or under  
289 which the association or the unit owners have an obligation or  
290 responsibility.

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291 10. Bills of sale or transfer for all property owned by the  
292 association.

293 11. Accounting records for the association and separate  
294 accounting records for each condominium that the association  
295 operates. Any person who knowingly or intentionally defaces or  
296 destroys such records, or who knowingly or intentionally fails  
297 to create or maintain such records, with the intent of causing  
298 harm to the association or one or more of its members, is  
299 personally subject to a civil penalty pursuant to s.

300 718.501(1)(d). The accounting records must include, but are not  
301 limited to:

302 a. Accurate, itemized, and detailed records of all receipts  
303 and expenditures.

304 b. A current account and a monthly, bimonthly, or quarterly  
305 statement of the account for each unit designating the name of  
306 the unit owner, the due date and amount of each assessment, the  
307 amount paid on the account, and the balance due.

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

310 d. All contracts for work to be performed. Bids for work to  
311 be performed are also considered official records and must be  
312 maintained by the association.

313 e. All bank statements, canceled checks, and credit card  
314 statements.

315 f. All invoices, transaction receipts, deposit slips, or  
316 other underlying documentation that substantiates any receipt or  
317 expenditure of funds by the association.

318 12. Ballots, sign-in sheets, voting proxies, and all other  
319 papers and electronic records relating to voting by unit owners,

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320 which must be maintained for 1 year from the date of the  
321 election, vote, or meeting to which the document relates,  
322 notwithstanding paragraph (b).

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

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

327 15. All other written records of the association not  
328 specifically included in the foregoing which are related to the  
329 operation of the association.

330 16. A copy of the inspection report as described in s.  
331 718.301(4)(p).

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

333 (b) The official records specified in subparagraphs (a)1.-  
334 6. must be permanently maintained from the inception of the  
335 association. All other official records must be maintained  
336 within the state for at least 7 years, unless otherwise provided  
337 by general law. All official records must be maintained in a  
338 manner and format prescribed by division rule so that the  
339 records are easily accessible for inspection. The records of the  
340 association shall be made available to a unit owner within 45  
341 miles of the condominium property or within the county in which  
342 the condominium property is located within 10 working days after  
343 receipt of a written request by the board or its designee.  
344 However, such distance requirement does not apply to an  
345 association governing a timeshare condominium. This paragraph  
346 may be complied with by having a copy of the official records of  
347 the association available for inspection or copying on the  
348 condominium property or association property, or the association

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349 may offer the option of making the records available to a unit  
350 owner electronically via the Internet or by allowing the records  
351 to be viewed in electronic format on a computer screen and  
352 printed upon request. The association is not responsible for the  
353 use or misuse of the information provided to an association  
354 member or his or her authorized representative pursuant to the  
355 compliance requirements of this chapter unless the association  
356 has an affirmative duty not to disclose such information  
357 pursuant to this chapter.

358 (c)1.a. The official records of the association are open to  
359 inspection by any association member or the authorized  
360 representative of such member at all reasonable times. The right  
361 to inspect the records includes the right to make or obtain  
362 copies, at the reasonable expense, if any, of the member or  
363 authorized representative of such member. A renter of a unit has  
364 a right to inspect and copy the association's bylaws and rules.  
365 The association may adopt reasonable rules regarding the  
366 frequency, time, location, notice, and manner of record  
367 inspections and copying. The failure of an association to  
368 provide the records within 10 working days after receipt of a  
369 written request that complies with the association's document  
370 inspection rule creates a rebuttable presumption that the  
371 association willfully failed to comply with this paragraph. A  
372 unit owner who is denied access to official records is entitled  
373 to the actual damages or minimum damages for the association's  
374 willful failure to comply. Minimum damages are \$50 per calendar  
375 day for up to 10 days, beginning on the 11th working day after  
376 receipt of the written request that complies with the  
377 association's document inspection rule. The failure to permit

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378 inspection entitles any person prevailing in an enforcement  
379 action to recover reasonable attorney fees from the person in  
380 control of the records who, directly or indirectly, knowingly  
381 denied access to the records. If the requested records are  
382 posted on an association's website, the association may fulfill  
383 its obligations as provided under this paragraph by directing to  
384 the website all persons authorized to request access to official  
385 records pursuant to this paragraph.

386 b. In response to a statutorily compliant written request  
387 to inspect records, the association must simultaneously provide  
388 a checklist to the requestor of all records made available for  
389 inspection and copying and a sworn affidavit in which the person  
390 facilitating or handling the association's compliance with the  
391 request attests to the veracity of the checklist provided to the  
392 requestor. The checklist must also identify any of the  
393 association's official records that were not made available to  
394 the requestor. An association must maintain a checklist provided  
395 under this sub-subparagraph for 7 years. An association  
396 delivering a checklist and affidavit pursuant to this sub-  
397 subparagraph creates a rebuttable presumption that the  
398 association has complied with this paragraph.

399 2. Any director or member of the board or association or a  
400 community association manager who knowingly, willfully, and  
401 repeatedly violates subparagraph 1. commits a misdemeanor of the  
402 second degree, punishable as provided in s. 775.082 or s.  
403 775.083. For purposes of this subparagraph, the term  
404 "repeatedly" means two or more violations within a 12-month  
405 period.

406 3.2. Any person who knowingly or intentionally defaces or

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407 destroys accounting records that are required by this chapter to  
408 be maintained during the period for which such records are  
409 required to be maintained, or who knowingly or intentionally  
410 fails to create or maintain accounting records that are required  
411 to be created or maintained, with the intent of causing harm to  
412 the association or one or more of its members, commits a  
413 misdemeanor of the first degree, punishable as provided in s.  
414 775.082 or s. 775.083 ~~is personally subject to a civil penalty~~  
415 ~~pursuant to s. 718.501(1)(d).~~

416 4. Any person who willfully and knowingly refuses to  
417 release or otherwise produce association records with the intent  
418 to avoid or escape detection, arrest, trial, or punishment for  
419 the commission of a crime, or to assist another person with such  
420 avoidance or escape, commits a felony of the third degree,  
421 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

422 ~~5.3.~~ The association shall maintain an adequate number of  
423 copies of the declaration, articles of incorporation, bylaws,  
424 and rules, and all amendments to each of the foregoing, as well  
425 as the question and answer sheet as described in s. 718.504 and  
426 year-end financial information required under this section, on  
427 the condominium property to ensure their availability to unit  
428 owners and prospective purchasers, and may charge its actual  
429 costs for preparing and furnishing these documents to those  
430 requesting the documents. An association shall allow a member or  
431 his or her authorized representative to use a portable device,  
432 including a smartphone, tablet, portable scanner, or any other  
433 technology capable of scanning or taking photographs, to make an  
434 electronic copy of the official records in lieu of the  
435 association's providing the member or his or her authorized

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436 representative with a copy of such records. The association may  
437 not charge a member or his or her authorized representative for  
438 the use of a portable device. Notwithstanding this paragraph,  
439 the following records are not accessible to unit owners:

440 a. Any record protected by the lawyer-client privilege as  
441 described in s. 90.502 and any record protected by the work-  
442 product privilege, including a record prepared by an association  
443 attorney or prepared at the attorney's express direction, which  
444 reflects a mental impression, conclusion, litigation strategy,  
445 or legal theory of the attorney or the association, and which  
446 was prepared exclusively for civil or criminal litigation or for  
447 adversarial administrative proceedings, or which was prepared in  
448 anticipation of such litigation or proceedings until the  
449 conclusion of the litigation or proceedings.

450 b. Information obtained by an association in connection  
451 with the approval of the lease, sale, or other transfer of a  
452 unit.

453 c. Personnel records of association or management company  
454 employees, including, but not limited to, disciplinary, payroll,  
455 health, and insurance records. For purposes of this sub-  
456 subparagraph, the term "personnel records" does not include  
457 written employment agreements with an association employee or  
458 management company, or budgetary or financial records that  
459 indicate the compensation paid to an association employee.

460 d. Medical records of unit owners.

461 e. Social security numbers, driver license numbers, credit  
462 card numbers, e-mail addresses, telephone numbers, facsimile  
463 numbers, emergency contact information, addresses of a unit  
464 owner other than as provided to fulfill the association's notice

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465 requirements, and other personal identifying information of any  
466 person, excluding the person's name, unit designation, mailing  
467 address, property address, and any address, e-mail address, or  
468 facsimile number provided to the association to fulfill the  
469 association's notice requirements. Notwithstanding the  
470 restrictions in this sub-subparagraph, an association may print  
471 and distribute to parcel owners a directory containing the name,  
472 parcel address, and all telephone numbers of each parcel owner.  
473 However, an owner may exclude his or her telephone numbers from  
474 the directory by so requesting in writing to the association. An  
475 owner may consent in writing to the disclosure of other contact  
476 information described in this sub-subparagraph. The association  
477 is not liable for the inadvertent disclosure of information that  
478 is protected under this sub-subparagraph if the information is  
479 included in an official record of the association and is  
480 voluntarily provided by an owner and not requested by the  
481 association.

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

484 g. The software and operating system used by the  
485 association which allow the manipulation of data, even if the  
486 owner owns a copy of the same software used by the association.  
487 The data is part of the official records of the association.

488 (g)1. By January 1, 2022 ~~2019~~, an association managing a  
489 condominium with 25 ~~150~~ or more units which does not contain  
490 timeshare units shall post digital copies of the documents  
491 specified in subparagraph 2. on its website.

492 a. The association's website must be:

493 (I) An independent website or web portal wholly owned and

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494 operated by the association; or

495 (II) A website or web portal operated by a third-party  
496 provider with whom the association owns, leases, rents, or  
497 otherwise obtains the right to operate a web page, subpage, web  
498 portal, or collection of subpages or web portals dedicated to  
499 the association's activities and on which required notices,  
500 records, and documents may be posted by the association.

501 b. The association's website must be accessible through the  
502 Internet and must contain a subpage, web portal, or other  
503 protected electronic location that is inaccessible to the  
504 general public and accessible only to unit owners and employees  
505 of the association.

506 c. Upon a unit owner's written request, the association  
507 must provide the unit owner with a username and password and  
508 access to the protected sections of the association's website  
509 that contain any notices, records, or documents that must be  
510 electronically provided.

511 2. A current copy of the following documents must be posted  
512 in digital format on the association's website:

513 a. The recorded declaration of condominium of each  
514 condominium operated by the association and each amendment to  
515 each declaration.

516 b. The recorded bylaws of the association and each  
517 amendment to the bylaws.

518 c. The articles of incorporation of the association, or  
519 other documents creating the association, and each amendment  
520 thereto. The copy posted pursuant to this sub-subparagraph must  
521 be a copy of the articles of incorporation filed with the  
522 Department of State.

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- 523           d. The rules of the association.
- 524           e. A list of all executory contracts or documents to which  
525 the association is a party or under which the association or the  
526 unit owners have an obligation or responsibility and, after  
527 bidding for the related materials, equipment, or services has  
528 closed, a list of bids received by the association within the  
529 past year. Summaries of bids for materials, equipment, or  
530 services which exceed \$500 must be maintained on the website for  
531 1 year. In lieu of summaries, complete copies of the bids may be  
532 posted.
- 533           f. The annual budget required by s. 718.112(2)(f) and any  
534 proposed budget to be considered at the annual meeting.
- 535           g. The financial report required by subsection (13) and any  
536 monthly income or expense statement to be considered at a  
537 meeting.
- 538           h. The certification of each director required by s.  
539 718.112(2)(d)4.b.
- 540           i. All contracts or transactions between the association  
541 and any director, officer, corporation, firm, or association  
542 that is not an affiliated condominium association or any other  
543 entity in which an association director is also a director or  
544 officer and financially interested.
- 545           j. Any contract or document regarding a conflict of  
546 interest or possible conflict of interest as provided in ss.  
547 468.436(2)(b)6. and 718.3027(3).
- 548           k. The notice of any unit owner meeting and the agenda for  
549 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
550 days before the meeting. The notice must be posted in plain view  
551 on the front page of the website, or on a separate subpage of

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552 the website labeled "Notices" which is conspicuously visible and  
553 linked from the front page. The association must also post on  
554 its website any document to be considered and voted on by the  
555 owners during the meeting or any document listed on the agenda  
556 at least 7 days before the meeting at which the document or the  
557 information within the document will be considered.

558 1. Notice of any board meeting, the agenda, and any other  
559 document required for the meeting as required by s.  
560 718.112(2)(c), which must be posted no later than the date  
561 required for notice pursuant to s. 718.112(2)(c).

562 3. The association shall ensure that the information and  
563 records described in paragraph (c), which are not allowed to be  
564 accessible to unit owners, are not posted on the association's  
565 website. If protected information or information restricted from  
566 being accessible to unit owners is included in documents that  
567 are required to be posted on the association's website, the  
568 association shall ensure the information is redacted before  
569 posting the documents online. Notwithstanding the foregoing, the  
570 association or its agent is not liable for disclosing  
571 information that is protected or restricted pursuant to this  
572 paragraph unless such disclosure was made with a knowing or  
573 intentional disregard of the protected or restricted nature of  
574 such information.

575 4. The failure of the association to post information  
576 required under subparagraph 2. is not in and of itself  
577 sufficient to invalidate any action or decision of the  
578 association's board or its committees.

579 5. By January 1, 2022, an association managing 25 or more  
580 units, not including timeshare units, shall post on its website

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581 digital copies of all official records subject to inspection by  
582 tenants or unit owners or their authorized representatives.

583 (15) DEBIT CARDS.—

584 (b) A person who uses ~~Use of~~ a debit card issued in the  
585 name of the association, or billed directly to the association,  
586 for any expense that is not a lawful obligation of the  
587 association commits theft under s. 812.014. For the purposes of  
588 this paragraph, a "lawful obligation of the association" means  
589 an obligation that has been properly preapproved by the board  
590 and is reflected in the meeting minutes or the written budget  
591 ~~may be prosecuted as credit card fraud pursuant to s. 817.61.~~

592 Section 4. Section 718.129, Florida Statutes, is created to  
593 read:

594 718.129 Fraudulent voting activities related to association  
595 elections; penalties.—

596 (1) Each of the following acts is a fraudulent voting  
597 activity related to association elections and constitutes a  
598 felony of the third degree, punishable as provided in s.  
599 775.082, s. 775.083, or s. 775.084:

600 (a) Willfully and falsely swearing or affirming any oath or  
601 affirmation, or willfully procuring another person to swear or  
602 affirm falsely to an oath or affirmation, in connection with or  
603 arising out of voting or elections.

604 (b) Perpetrating or attempting to perpetrate, or aiding in  
605 the perpetration of, any fraud in connection with any vote cast,  
606 to be cast, or attempted to be cast.

607 (c) Preventing an elector from voting, or preventing an  
608 elector from voting as the elector intended, by fraudulently  
609 changing or attempting to change a ballot, ballot envelope,

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610 vote, or voting certificate of the elector.

611 (d) Using bribery, menace, threat, or any other corruption  
612 to attempt, directly or indirectly, to influence, deceive, or  
613 deter any elector in voting.

614 (e) Directly or indirectly giving or promising anything of  
615 value to another person with the intent to buy the vote of that  
616 person or another person or to corruptly influence that person  
617 or another person in casting his or her vote. However, this  
618 paragraph does not apply to the serving of food to be consumed  
619 at an election rally or meeting or to any item of nominal value  
620 which is used as an election advertisement, including a campaign  
621 message designed to be worn by a person.

622 (f) Directly or indirectly using or threatening to use  
623 force, violence, or intimidation or any tactic of coercion or  
624 intimidation to induce or compel an individual to vote or  
625 refrain from voting in an election or on any particular ballot  
626 measure.

627 (2) Each of the following acts constitutes a felony of the  
628 third degree, punishable as provided in s. 775.082, s. 775.083,  
629 or s. 775.084:

630 (a) Knowingly aiding, abetting, or advising a person in the  
631 commission of a fraudulent voting activity related to  
632 association elections.

633 (b) Agreeing, conspiring, combining, or confederating with  
634 at least one other person to commit a fraudulent voting activity  
635 related to association elections.

636 (c) Having knowledge of a fraudulent voting activity  
637 related to association elections and giving any aid to the  
638 offender with intent that the offender avoid or escape

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639 detection, arrest, trial, or punishment. This paragraph does not  
640 apply to a licensed attorney giving legal advice to a client.

641 Section 5. Subsection (1) of section 718.501, Florida  
642 Statutes, is amended to read:

643 718.501 Authority, responsibility, and duties of Division  
644 of Florida Condominiums, Timeshares, and Mobile Homes.—

645 (1) The division may enforce and ensure compliance with the  
646 provisions of this chapter and rules relating to the  
647 development, construction, sale, lease, ownership, operation,  
648 and management of residential condominium units. In performing  
649 its duties, the division has complete jurisdiction to  
650 investigate complaints and enforce compliance with respect to  
651 associations that are still under developer control or the  
652 control of a bulk assignee or bulk buyer pursuant to part VII of  
653 this chapter and complaints against developers, bulk assignees,  
654 or bulk buyers involving improper turnover or failure to  
655 turnover, pursuant to s. 718.301. However, after turnover has  
656 occurred, the division has jurisdiction to investigate  
657 complaints related only to financial issues, elections,  
658 maintenance of official records, and unit owner access to  
659 association records pursuant to s. 718.111(12). As used in this  
660 subsection, the term "financial issue" means an issue related to  
661 operating budgets; reserve schedules; financial records under s.  
662 718.111(12) (a)11.; notices of meetings and meeting minutes for  
663 budget or financial statement related meetings; any assessment  
664 for common expenses, fees, or fines; commingling of funds; and  
665 any other record necessary to determine the revenues and  
666 expenses of the association. The division may adopt rules to  
667 further define the term "financial issue."

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668 (a)1. The division may make necessary public or private  
669 investigations within or outside this state to determine whether  
670 any person has violated this chapter or any rule or order  
671 hereunder, to aid in the enforcement of this chapter, or to aid  
672 in the adoption of rules or forms.

673 2. The division may submit any official written report,  
674 worksheet, or other related paper, or a duly certified copy  
675 thereof, compiled, prepared, drafted, or otherwise made by and  
676 duly authenticated by a financial examiner or analyst to be  
677 admitted as competent evidence in any hearing in which the  
678 financial examiner or analyst is available for cross-examination  
679 and attests under oath that such documents were prepared as a  
680 result of an examination or inspection conducted pursuant to  
681 this chapter.

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

686 (c) For the purpose of any investigation under this  
687 chapter, the division director or any officer or employee  
688 designated by the division director may administer oaths or  
689 affirmations, subpoena witnesses and compel their attendance,  
690 take evidence, and require the production of any matter which is  
691 relevant to the investigation, including the existence,  
692 description, nature, custody, condition, and location of any  
693 books, documents, or other tangible things and the identity and  
694 location of persons having knowledge of relevant facts or any  
695 other matter reasonably calculated to lead to the discovery of  
696 material evidence. Upon the failure by a person to obey a

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697 subpoena or to answer questions propounded by the investigating  
698 officer and upon reasonable notice to all affected persons, the  
699 division may apply to the circuit court for an order compelling  
700 compliance.

701 (d) Notwithstanding any remedies available to unit owners  
702 and associations, if the division has reasonable cause to  
703 believe that a violation of any provision of this chapter or  
704 related rule has occurred, the division may institute  
705 enforcement proceedings in its own name against any developer,  
706 bulk assignee, bulk buyer, association, officer, or member of  
707 the board of administration, or its assignees or agents, as  
708 follows:

709 1. The division may permit a person whose conduct or  
710 actions may be under investigation to waive formal proceedings  
711 and enter into a consent proceeding whereby orders, rules, or  
712 letters of censure or warning, whether formal or informal, may  
713 be entered against the person.

714 2. The division may issue an order requiring the developer,  
715 bulk assignee, bulk buyer, association, developer-designated  
716 officer, or developer-designated member of the board of  
717 administration, developer-designated assignees or agents, bulk  
718 assignee-designated assignees or agents, bulk buyer-designated  
719 assignees or agents, community association manager, or community  
720 association management firm to cease and desist from the  
721 unlawful practice and take such affirmative action as in the  
722 judgment of the division carry out the purposes of this chapter.  
723 If the division finds that a developer, bulk assignee, bulk  
724 buyer, association, officer, or member of the board of  
725 administration, or its assignees or agents, is violating or is

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726 about to violate any provision of this chapter, any rule adopted  
727 or order issued by the division, or any written agreement  
728 entered into with the division, and presents an immediate danger  
729 to the public requiring an immediate final order, it may issue  
730 an emergency cease and desist order reciting with particularity  
731 the facts underlying such findings. The emergency cease and  
732 desist order is effective for 90 days. If the division begins  
733 nonemergency cease and desist proceedings, the emergency cease  
734 and desist order remains effective until the conclusion of the  
735 proceedings under ss. 120.569 and 120.57.

736 3. If a developer, bulk assignee, or bulk buyer, fails to  
737 pay any restitution determined by the division to be owed, plus  
738 any accrued interest at the highest rate permitted by law,  
739 within 30 days after expiration of any appellate time period of  
740 a final order requiring payment of restitution or the conclusion  
741 of any appeal thereof, whichever is later, the division must  
742 bring an action in circuit or county court on behalf of any  
743 association, class of unit owners, lessees, or purchasers for  
744 restitution, declaratory relief, injunctive relief, or any other  
745 available remedy. The division may also temporarily revoke its  
746 acceptance of the filing for the developer to which the  
747 restitution relates until payment of restitution is made.

748 4. The division may petition the court for appointment of a  
749 receiver or conservator. If appointed, the receiver or  
750 conservator may take action to implement the court order to  
751 ensure the performance of the order and to remedy any breach  
752 thereof. In addition to all other means provided by law for the  
753 enforcement of an injunction or temporary restraining order, the  
754 circuit court may impound or sequester the property of a party

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755 defendant, including books, papers, documents, and related  
756 records, and allow the examination and use of the property by  
757 the division and a court-appointed receiver or conservator.

758 5. The division may apply to the circuit court for an order  
759 of restitution whereby the defendant in an action brought  
760 pursuant to subparagraph 4. is ordered to make restitution of  
761 those sums shown by the division to have been obtained by the  
762 defendant in violation of this chapter. At the option of the  
763 court, such restitution is payable to the conservator or  
764 receiver appointed pursuant to subparagraph 4. or directly to  
765 the persons whose funds or assets were obtained in violation of  
766 this chapter.

767 6. The division may impose a civil penalty against a  
768 developer, bulk assignee, or bulk buyer, or association, or its  
769 assignee or agent, for any violation of this chapter or related  
770 rule. The division may impose a civil penalty individually  
771 against an officer or board member who willfully and knowingly  
772 violates a provision of this chapter, adopted rule, or a final  
773 order of the division; may order the removal of such individual  
774 as an officer or from the board of administration or as an  
775 officer of the association; and may prohibit such individual  
776 from serving as an officer or on the board of a community  
777 association for a period of time. The term "willfully and  
778 knowingly" means that the division informed the officer or board  
779 member that his or her action or intended action violates this  
780 chapter, a rule adopted under this chapter, or a final order of  
781 the division and that the officer or board member refused to  
782 comply with the requirements of this chapter, a rule adopted  
783 under this chapter, or a final order of the division. The

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784 division, before initiating formal agency action under chapter  
785 120, must afford the officer or board member an opportunity to  
786 voluntarily comply, and an officer or board member who complies  
787 within 10 days is not subject to a civil penalty. A penalty may  
788 be imposed on the basis of each day of continuing violation, but  
789 the penalty for any offense may not exceed \$5,000. By January 1,  
790 1998, the division shall adopt, by rule, penalty guidelines  
791 applicable to possible violations or to categories of violations  
792 of this chapter or rules adopted by the division. The guidelines  
793 must specify a meaningful range of civil penalties for each such  
794 violation of the statute and rules and must be based upon the  
795 harm caused by the violation, the repetition of the violation,  
796 and upon such other factors deemed relevant by the division. For  
797 example, the division may consider whether the violations were  
798 committed by a developer, bulk assignee, or bulk buyer, or  
799 owner-controlled association, the size of the association, and  
800 other factors. The guidelines must designate the possible  
801 mitigating or aggravating circumstances that justify a departure  
802 from the range of penalties provided by the rules. It is the  
803 legislative intent that minor violations be distinguished from  
804 those which endanger the health, safety, or welfare of the  
805 condominium residents or other persons and that such guidelines  
806 provide reasonable and meaningful notice to the public of likely  
807 penalties that may be imposed for proscribed conduct. This  
808 subsection does not limit the ability of the division to  
809 informally dispose of administrative actions or complaints by  
810 stipulation, agreed settlement, or consent order. All amounts  
811 collected shall be deposited with the Chief Financial Officer to  
812 the credit of the Division of Florida Condominiums, Timeshares,

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813 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
814 bulk buyer fails to pay the civil penalty and the amount deemed  
815 to be owed to the association, the division shall issue an order  
816 directing that such developer, bulk assignee, or bulk buyer  
817 cease and desist from further operation until such time as the  
818 civil penalty is paid or may pursue enforcement of the penalty  
819 in a court of competent jurisdiction. If an association fails to  
820 pay the civil penalty, the division shall pursue enforcement in  
821 a court of competent jurisdiction, and the order imposing the  
822 civil penalty or the cease and desist order is not effective  
823 until 20 days after the date of such order. Any action commenced  
824 by the division shall be brought in the county in which the  
825 division has its executive offices or in the county where the  
826 violation occurred.

827       7. If a unit owner presents the division with proof that  
828 the unit owner has requested access to official records in  
829 writing by certified mail, and that after 10 days the unit owner  
830 again made the same request for access to official records in  
831 writing by certified mail, and that more than 10 days has  
832 elapsed since the second request and the association has still  
833 failed or refused to provide access to official records as  
834 required by this chapter, the division shall issue a subpoena  
835 requiring production of the requested records where the records  
836 are kept pursuant to s. 718.112.

837       8. In addition to subparagraph 6., the division may seek  
838 the imposition of a civil penalty through the circuit court for  
839 any violation for which the division may issue a notice to show  
840 cause under paragraph (r). The civil penalty shall be at least  
841 \$500 but no more than \$5,000 for each violation. The court may

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842 also award to the prevailing party court costs and reasonable  
843 attorney ~~attorney's~~ fees and, if the division prevails, may also  
844 award reasonable costs of investigation.

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

849 (f) The division may adopt rules to administer and enforce  
850 the provisions of this chapter.

851 (g) The division shall establish procedures for providing  
852 notice to an association and the developer, bulk assignee, or  
853 bulk buyer during the period in which the developer, bulk  
854 assignee, or bulk buyer controls the association if the division  
855 is considering the issuance of a declaratory statement with  
856 respect to the declaration of condominium or any related  
857 document governing such condominium community.

858 (h) The division shall furnish each association that pays  
859 the fees required by paragraph (2) (a) a copy of this chapter, as  
860 amended, and the rules adopted thereto on an annual basis.

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

865 (j) The division shall provide training and educational  
866 programs for condominium association board members and unit  
867 owners. The training may, in the division's discretion, include  
868 web-based electronic media, and live training and seminars in  
869 various locations throughout the state. The division may review  
870 and approve education and training programs for board members

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871 and unit owners offered by providers and shall maintain a  
872 current list of approved programs and providers and make such  
873 list available to board members and unit owners in a reasonable  
874 and cost-effective manner.

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

877 (l) The division shall develop a program to certify both  
878 volunteer and paid mediators to provide mediation of condominium  
879 disputes. The division shall provide, upon request, a list of  
880 such mediators to any association, unit owner, or other  
881 participant in arbitration proceedings under s. 718.1255  
882 requesting a copy of the list. The division shall include on the  
883 list of volunteer mediators only the names of persons who have  
884 received at least 20 hours of training in mediation techniques  
885 or who have mediated at least 20 disputes. In order to become  
886 initially certified by the division, paid mediators must be  
887 certified by the Supreme Court to mediate court cases in county  
888 or circuit courts. However, the division may adopt, by rule,  
889 additional factors for the certification of paid mediators,  
890 which must be related to experience, education, or background.  
891 Any person initially certified as a paid mediator by the  
892 division must, in order to continue to be certified, comply with  
893 the factors or requirements adopted by rule.

894 (m) If a complaint is made, the division must conduct its  
895 inquiry with due regard for the interests of the affected  
896 parties. Within 30 days after receipt of a complaint, the  
897 division shall acknowledge the complaint in writing and notify  
898 the complainant whether the complaint is within the jurisdiction  
899 of the division and whether additional information is needed by

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900 the division from the complainant. The division shall conduct  
901 its investigation and, within 90 days after receipt of the  
902 original complaint or of timely requested additional  
903 information, take action upon the complaint. However, the  
904 failure to complete the investigation within 90 days does not  
905 prevent the division from continuing the investigation,  
906 accepting or considering evidence obtained or received after 90  
907 days, or taking administrative action if reasonable cause exists  
908 to believe that a violation of this chapter or a rule has  
909 occurred. If an investigation is not completed within the time  
910 limits established in this paragraph, the division shall, on a  
911 monthly basis, notify the complainant in writing of the status  
912 of the investigation. When reporting its action to the  
913 complainant, the division shall inform the complainant of any  
914 right to a hearing pursuant to ss. 120.569 and 120.57.

915 (n) Condominium association directors, officers, and  
916 employees; condominium developers; bulk assignees, bulk buyers,  
917 and community association managers; and community association  
918 management firms have an ongoing duty to reasonably cooperate  
919 with the division in any investigation pursuant to this section.  
920 The division shall refer to local law enforcement authorities  
921 any person whom the division believes has altered, destroyed,  
922 concealed, or removed any record, document, or thing required to  
923 be kept or maintained by this chapter with the purpose to impair  
924 its verity or availability in the department's investigation.

925 (o) The division may:

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

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929 (p) The division shall cooperate with similar agencies in  
930 other jurisdictions to establish uniform filing procedures and  
931 forms, public offering statements, advertising standards, and  
932 rules and common administrative practices.

933 (q) The division shall consider notice to a developer, bulk  
934 assignee, or bulk buyer to be complete when it is delivered to  
935 the address of the developer, bulk assignee, or bulk buyer  
936 currently on file with the division.

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

940 (s) The division shall submit to the Governor, the  
941 President of the Senate, the Speaker of the House of  
942 Representatives, and the chairs of the legislative  
943 appropriations committees an annual report that includes, but  
944 need not be limited to, the number of training programs provided  
945 for condominium association board members and unit owners, the  
946 number of complaints received by type, the number and percent of  
947 complaints acknowledged in writing within 30 days and the number  
948 and percent of investigations acted upon within 90 days in  
949 accordance with paragraph (m), and the number of investigations  
950 exceeding the 90-day requirement. The annual report must also  
951 include an evaluation of the division's core business processes  
952 and make recommendations for improvements, including statutory  
953 changes. The report shall be submitted by September 30 following  
954 the end of the fiscal year.

955 Section 6. This act shall take effect October 1, 2020.