

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

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

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

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

101 dispute resolution requirements for election disputes  
 102 and recall disputes; amending s. 720.316, F.S.;  
 103 revising emergency powers of homeowners' associations;  
 104 prohibiting homeowners' associations from taking  
 105 certain actions during a declared state of emergency;  
 106 providing an effective date.

107

108 Be It Enacted by the Legislature of the State of Florida:

109

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

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

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

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

125 718.103 Definitions.—As used in this chapter, the term:

126 (20) "Multicondominium" means real property ~~a real estate~~  
 127 ~~development~~ containing two or more condominiums, all of which  
 128 are operated by the same association.

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

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

134 718.111 The association.—

135 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

150 6. A book or books that contain the minutes of all

151 meetings of the association, the board of administration, and  
152 the unit owners.

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

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

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

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

172 11. Accounting records for the association and separate  
173 accounting records for each condominium that the association  
174 operates. Any person who knowingly or intentionally defaces or  
175 destroys such records, or who knowingly or intentionally fails

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

- 181 |       a. Accurate, itemized, and detailed records of all
- 182 | receipts and expenditures.
- 183 |       b. A current account and a monthly, bimonthly, or
- 184 | quarterly statement of the account for each unit designating the
- 185 | name of the unit owner, the due date and amount of each
- 186 | assessment, the amount paid on the account, and the balance due.
- 187 |       c. All audits, reviews, accounting statements, and
- 188 | financial reports of the association or condominium.
- 189 |       d. All contracts for work to be performed. Bids for work
- 190 | to be performed are also considered official records and must be
- 191 | maintained by the association for at least 1 year after receipt
- 192 | of the bid.

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

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

200 |       14. A copy of the current question and answer sheet as

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



201 described in s. 718.504.

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

205 ~~16.~~ A copy of the inspection report as described in s.  
206 718.301(4)(p).

207 ~~16.~~17. Bids for materials, equipment, or services.

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

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

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

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

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

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

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

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

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

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

299       c. Personnel records of association or management company  
300 employees, including, but not limited to, disciplinary, payroll,

301 health, and insurance records. For purposes of this sub-  
302 subparagraph, the term "personnel records" does not include  
303 written employment agreements with an association employee or  
304 management company, or budgetary or financial records that  
305 indicate the compensation paid to an association employee.

306 d. Medical records of unit owners.

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

326 record of the association and is voluntarily provided by an  
327 owner and not requested by the association.

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

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

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

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

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

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

350 b. The association's website or application must be

351 accessible through the Internet and must contain a subpage, web  
352 portal, or other protected electronic location that is  
353 inaccessible to the general public and accessible only to unit  
354 owners and employees of the association.

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

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

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

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

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

374 d. The rules of the association.

375 e. A list of all executory contracts or documents to which

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

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

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

389 h. The certification of each director required by s.  
390 718.112(2)(d)4.b.

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

396 j. Any contract or document regarding a conflict of  
397 interest or possible conflict of interest as provided in ss.  
398 468.436(2)(b)6. and 718.3027(3).

399 k. The notice of any unit owner meeting and the agenda for  
400 the meeting, as required by s. 718.112(2)(d)3., no later than 14



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

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

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

426 | the protected or restricted nature of such information.

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

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

435 |             718.112 Bylaws.—

436 |             (1) GENERALLY.—

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

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

442 |             (d) *Unit owner meetings.*—

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

449 |             2. Unless the bylaws provide otherwise, a vacancy on the  
 450 | board caused by the expiration of a director's term must be

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

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

501 for at least 5 years as of the date such person seeks election  
502 to the board. The validity of an action by the board is not  
503 affected if it is later determined that a board member is  
504 ineligible for board membership due to having been convicted of  
505 a felony. This subparagraph does not limit the term of a member  
506 of the board of a nonresidential or timeshare condominium.

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

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

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

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

576 a. At least 60 days before a scheduled election, the  
577 association shall mail, deliver, or electronically transmit, by  
578 separate association mailing or included in another association  
579 mailing, delivery, or transmission, including regularly  
580 published newsletters, to each unit owner entitled to a vote, a  
581 first notice of the date of the election. A unit owner or other  
582 eligible person desiring to be a candidate for the board must  
583 give written notice of his or her intent to be a candidate to  
584 the association at least 40 days before a scheduled election.  
585 Together with the written notice and agenda as set forth in  
586 subparagraph 3., the association shall mail, deliver, or  
587 electronically transmit a second notice of the election to all  
588 unit owners entitled to vote, together with a ballot that lists  
589 all candidates not less than 14 days or more than 34 days before  
590 the date of the election. Upon request of a candidate, an  
591 information sheet, no larger than 8 1/2 inches by 11 inches,  
592 which must be furnished by the candidate at least 35 days before  
593 the election, must be included with the mailing, delivery, or  
594 transmission of the ballot, with the costs of mailing, delivery,  
595 or electronic transmission and copying to be borne by the  
596 association. The association is not liable for the contents of  
597 the information sheets prepared by the candidates. In order to  
598 reduce costs, the association may print or duplicate the  
599 information sheets on both sides of the paper. The division  
600 shall by rule establish voting procedures consistent with this



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

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

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

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

648 |       5. Any approval by unit owners called for by this chapter  
649 | or the applicable declaration or bylaws, including, but not  
650 | limited to, the approval requirement in s. 718.111(8), must be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

775 4. If the board fails to duly notice and hold the required

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

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

799 6. A board member who has been recalled may file a  
800 petition or court action under ~~pursuant to~~ s. 718.1255



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

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

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

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

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

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

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

851 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
852 that is powered by natural gas fuel. Therefore, the installation  
853 of an electric vehicle charging station or a natural gas fuel  
854 station shall be governed as follows:

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

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

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

875 (d) The cost for supply and storage of the natural gas

876 fuel must be paid by the unit owner installing the natural gas  
877 fuel station or by his or her successor.

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

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

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

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

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

899 2. Comply with reasonable architectural standards adopted  
900 by the association that govern the dimensions, placement, or

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

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

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

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

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

926 including any necessary equipment, to such charging or fuel  
 927 station, subject to the requirements of this subsection.

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

930 718.117 Termination of condominium.—

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

951 | prescribed in subsection (12). If the petition is filed with the  
952 | division for arbitration, the arbitrator shall determine the  
953 | rights and interests of the parties in the apportionment of the  
954 | sale proceeds. If the arbitrator determines that the  
955 | apportionment of sales proceeds is not fair and reasonable, the  
956 | arbitrator may void the plan or may modify the plan to apportion  
957 | the proceeds in a fair and reasonable manner pursuant to this  
958 | section based upon the proceedings and order the modified plan  
959 | of termination to be implemented. If the arbitrator determines  
960 | that the plan was not properly approved, or that the procedures  
961 | to adopt the plan were not properly followed, the arbitrator may  
962 | void the plan or grant other relief it deems just and proper.  
963 | The arbitrator shall automatically void the plan upon a finding  
964 | that any of the disclosures required in subparagraph (3)(c)5.  
965 | are omitted, misleading, incomplete, or inaccurate. Any  
966 | challenge to a plan, other than a challenge that the required  
967 | vote was not obtained, does not affect title to the condominium  
968 | property or the vesting of the condominium property in the  
969 | trustee, but shall only be a claim against the proceeds of the  
970 | plan. In any such action, the prevailing party shall recover  
971 | reasonable attorney fees and costs.

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

974 |       718.121 Liens.—

975 |       (2) Labor performed on or materials furnished to a unit

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

992 | (4) Except as otherwise provided in this chapter, no lien  
 993 | may be filed by the association against a condominium unit until  
 994 | 30 days after the date on which a notice of intent to file a  
 995 | lien has been delivered to the owner by registered or certified  
 996 | mail, return receipt requested, and by first-class United States  
 997 | mail to the owner at his or her last address as reflected in the  
 998 | records of the association, if the address is within the United  
 999 | States, and delivered to the owner at the address of the unit if  
 1000 | the owner's address as reflected in the records of the



1001 association is not the unit address. If the address reflected in  
 1002 the records is outside the United States, sending the notice to  
 1003 that address and to the unit address by first-class United  
 1004 States mail is sufficient. ~~Delivery of the Notice is shall be~~  
 1005 deemed to have been delivered ~~given~~ upon mailing as required by  
 1006 this subsection, provided that it is. ~~The notice must be~~ in  
 1007 substantially the following form:

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

1011  
 1012 RE: Unit .... of ...(name of association)...

1013  
 1014 The following amounts are currently due on your  
 1015 account to ...(name of association)..., and must be  
 1016 paid within 30 days after your receipt of this letter.  
 1017 This letter shall serve as the association's notice of  
 1018 intent to record a Claim of Lien against your property  
 1019 no sooner than 30 days after your receipt of this  
 1020 letter, unless you pay in full the amounts set forth  
 1021 below:

1022  
 1023 Maintenance due ...(dates)... \$.....  
 1024 Late fee, if applicable \$.....  
 1025 Interest through ...(dates)...\* \$.....

1026	Certified mail charges <u>... (dates) ...</u>	\$.....
1027	Other costs	\$.....
1028	TOTAL OUTSTANDING	\$.....

1029

1030 \*Interest accrues at the rate of .... percent per annum.

1031 Section 8. Section 718.1255, Florida Statutes, is amended

1032 to read:

1033 718.1255 Alternative dispute resolution; ~~voluntary~~

1034 mediation; ~~mandatory~~ nonbinding arbitration; legislative

1035 findings.—

1036 (1) DEFINITIONS.—As used in this section, the term

1037 "dispute" means any disagreement between two or more parties

1038 that involves:

1039 (a) The authority of the board of directors, under this

1040 chapter or association document, to:

1041 1. Require any owner to take any action, or not to take

1042 any action, involving that owner's unit or the appurtenances

1043 thereto.

1044 2. Alter or add to a common area or element.

1045 (b) The failure of a governing body, when required by this

1046 chapter or an association document, to:

1047 1. Properly conduct elections.

1048 2. Give adequate notice of meetings or other actions.

1049 3. Properly conduct meetings.

1050 4. Allow inspection of books and records.

1051 (c) A plan of termination pursuant to s. 718.117.  
 1052  
 1053 "Dispute" does not include any disagreement that primarily  
 1054 involves: title to any unit or common element; the  
 1055 interpretation or enforcement of any warranty; the levy of a fee  
 1056 or assessment, or the collection of an assessment levied against  
 1057 a party; the eviction or other removal of a tenant from a unit;  
 1058 alleged breaches of fiduciary duty by one or more directors; or  
 1059 claims for damages to a unit based upon the alleged failure of  
 1060 the association to maintain the common elements or condominium  
 1061 property.

1062 (2) ~~VOLUNTARY MEDIATION.~~—Voluntary Mediation through  
 1063 Citizen Dispute Settlement Centers as provided for in s. 44.201  
 1064 is encouraged.

1065 (3) LEGISLATIVE FINDINGS.—

1066 (a) The Legislature finds that unit owners are frequently  
 1067 at a disadvantage when litigating against an association.  
 1068 Specifically, a condominium association, with its statutory  
 1069 assessment authority, is often more able to bear the costs and  
 1070 expenses of litigation than the unit owner who must rely on his  
 1071 or her own financial resources to satisfy the costs of  
 1072 litigation against the association.

1073 (b) The Legislature finds that alternative dispute  
 1074 resolution has been making progress in reducing court dockets  
 1075 and trials and in offering a more efficient, cost-effective

1076 option to court litigation. However, the Legislature also finds  
1077 that alternative dispute resolution should not be used as a  
1078 mechanism to encourage the filing of frivolous or nuisance  
1079 suits.

1080 (c) There exists a need to develop a flexible means of  
1081 alternative dispute resolution that directs disputes to the most  
1082 efficient means of resolution.

1083 (d) The high cost and significant delay of circuit court  
1084 litigation faced by unit owners in the state can be alleviated  
1085 by requiring nonbinding arbitration and mediation in appropriate  
1086 cases, thereby reducing delay and attorney ~~attorney's~~ fees while  
1087 preserving the right of either party to have its case heard by a  
1088 jury, if applicable, in a court of law.

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

1101 for at least 5 years and has mediated or arbitrated at least 10  
1102 disputes involving condominiums in this state during the 3 years  
1103 immediately preceding the date of application, mediated or  
1104 arbitrated at least 30 disputes in any subject area in this  
1105 state during the 3 years immediately preceding the date of  
1106 application, or attained board certification in real estate law  
1107 or condominium and planned development law from The Florida Bar.  
1108 Arbitrator certification is valid for 1 year. An arbitrator who  
1109 does not maintain the minimum qualifications for initial  
1110 certification may not have his or her certification renewed. The  
1111 department may not enter into a legal services contract for an  
1112 arbitration hearing under this chapter with an attorney who is  
1113 not a certified arbitrator unless a certified arbitrator is not  
1114 available within 50 miles of the dispute. The department shall  
1115 adopt rules of procedure to govern such arbitration hearings  
1116 including mediation incident thereto. The decision of an  
1117 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not  
1118 ~~be~~ deemed final agency action. Nothing in this provision shall  
1119 be construed to foreclose parties from proceeding in a trial de  
1120 novo unless the parties have agreed that the arbitration is  
1121 binding. If judicial proceedings are initiated, the final  
1122 decision of the arbitrator is ~~shall be~~ admissible in evidence in  
1123 the trial de novo.

1124 (a) Before ~~Prior to~~ the institution of court litigation, a  
1125 party to a dispute, other than an election or recall dispute,

1126 shall either petition the division for nonbinding arbitration or  
1127 initiate presuit mediation as provided in subsection (5).

1128 Arbitration is binding on the parties if all parties in  
1129 arbitration agree to be bound in a writing filed in arbitration.

1130 The petition must be accompanied by a filing fee in the amount  
1131 of \$50. Filing fees collected under this section must be used to  
1132 defray the expenses of the alternative dispute resolution  
1133 program.

1134 (b) The petition must recite, and have attached thereto,  
1135 supporting proof that the petitioner gave the respondents:

1136 1. Advance written notice of the specific nature of the  
1137 dispute;

1138 2. A demand for relief, and a reasonable opportunity to  
1139 comply or to provide the relief; and

1140 3. Notice of the intention to file an arbitration petition  
1141 or other legal action in the absence of a resolution of the  
1142 dispute.

1143  
1144 Failure to include the allegations or proof of compliance with  
1145 these prerequisites requires dismissal of the petition without  
1146 prejudice.

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

1151 arbitration, a motion to stay the arbitration may be filed. The  
1152 motion must be accompanied by a verified petition alleging facts  
1153 that, if proven, would support entry of a temporary injunction,  
1154 and if an appropriate motion and supporting papers are filed,  
1155 the division may abate the arbitration pending a court hearing  
1156 and disposition of a motion for temporary injunction.

1157 (d) Upon determination by the division that a dispute  
1158 exists and that the petition substantially meets the  
1159 requirements of paragraphs (a) and (b) and any other applicable  
1160 rules, the division shall assign or enter into a contract with  
1161 an arbitrator and serve a copy of the petition upon all  
1162 respondents. The arbitrator shall conduct a hearing within 30  
1163 days after being assigned or entering into a contract unless the  
1164 petition is withdrawn or a continuance is granted for good cause  
1165 shown.

1166 (e) Before or after the filing of the respondents' answer  
1167 to the petition, any party may request that the arbitrator refer  
1168 the case to mediation under this section and any rules adopted  
1169 by the division. Upon receipt of a request for mediation, the  
1170 division shall promptly contact the parties to determine if  
1171 there is agreement that mediation would be appropriate. If all  
1172 parties agree, the dispute must be referred to mediation.  
1173 Notwithstanding a lack of an agreement by all parties, the  
1174 arbitrator may refer a dispute to mediation at any time.

1175 (f) Upon referral of a case to mediation, the parties must

1176 | select a mutually acceptable mediator. To assist in the  
1177 | selection, the arbitrator shall provide the parties with a list  
1178 | of both volunteer and paid mediators that have been certified by  
1179 | the division under s. 718.501. If the parties are unable to  
1180 | agree on a mediator within the time allowed by the arbitrator,  
1181 | the arbitrator shall appoint a mediator from the list of  
1182 | certified mediators. If a case is referred to mediation, the  
1183 | parties shall attend a mediation conference, as scheduled by the  
1184 | parties and the mediator. If any party fails to attend a duly  
1185 | noticed mediation conference, without the permission or approval  
1186 | of the arbitrator or mediator, the arbitrator must impose  
1187 | sanctions against the party, including the striking of any  
1188 | pleadings filed, the entry of an order of dismissal or default  
1189 | if appropriate, and the award of costs and attorney fees  
1190 | incurred by the other parties. Unless otherwise agreed to by the  
1191 | parties or as provided by order of the arbitrator, a party is  
1192 | deemed to have appeared at a mediation conference by the  
1193 | physical presence of the party or its representative having full  
1194 | authority to settle without further consultation, provided that  
1195 | an association may comply by having one or more representatives  
1196 | present with full authority to negotiate a settlement and  
1197 | recommend that the board of administration ratify and approve  
1198 | such a settlement within 5 days from the date of the mediation  
1199 | conference. The parties shall share equally the expense of  
1200 | mediation, unless they agree otherwise.



1201 (g) The purpose of mediation as provided for by this  
1202 section is to present the parties with an opportunity to resolve  
1203 the underlying dispute in good faith, and with a minimum  
1204 expenditure of time and resources.

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

1226 and fees that may be recovered by the prevailing party in any  
1227 subsequent litigation.

1228 (i) Arbitration shall be conducted according to rules  
1229 adopted by the division. The filing of a petition for  
1230 arbitration shall toll the applicable statute of limitations.

1231 (j) At the request of any party to the arbitration, the  
1232 arbitrator shall issue subpoenas for the attendance of witnesses  
1233 and the production of books, records, documents, and other  
1234 evidence and any party on whose behalf a subpoena is issued may  
1235 apply to the court for orders compelling such attendance and  
1236 production. Subpoenas shall be served and shall be enforceable  
1237 in the manner provided by the Florida Rules of Civil Procedure.  
1238 Discovery may, in the discretion of the arbitrator, be permitted  
1239 in the manner provided by the Florida Rules of Civil Procedure.  
1240 Rules adopted by the division may authorize any reasonable  
1241 sanctions except contempt for a violation of the arbitration  
1242 procedural rules of the division or for the failure of a party  
1243 to comply with a reasonable nonfinal order issued by an  
1244 arbitrator which is not under judicial review.

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

1251 within 30 days. The right to file for a trial de novo entitles  
1252 the parties to file a complaint in the appropriate trial court  
1253 for a judicial resolution of the dispute. The prevailing party  
1254 in an arbitration proceeding shall be awarded the costs of the  
1255 arbitration and reasonable attorney fees in an amount determined  
1256 by the arbitrator. Such an award shall include the costs and  
1257 reasonable attorney fees incurred in the arbitration proceeding  
1258 as well as the costs and reasonable attorney fees incurred in  
1259 preparing for and attending any scheduled mediation. An  
1260 arbitrator's failure to render a written decision within 30 days  
1261 after the hearing may result in the cancellation of his or her  
1262 arbitration certification.

1263 (l) The party who files a complaint for a trial de novo  
1264 shall be assessed the other party's arbitration costs, court  
1265 costs, and other reasonable costs, including attorney fees,  
1266 investigation expenses, and expenses for expert or other  
1267 testimony or evidence incurred after the arbitration hearing if  
1268 the judgment upon the trial de novo is not more favorable than  
1269 the arbitration decision. If the judgment is more favorable, the  
1270 party who filed a complaint for trial de novo shall be awarded  
1271 reasonable court costs and attorney fees.

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

1276 complaint for trial de novo has expired. If a complaint for a  
1277 trial de novo has been filed, a petition may not be granted with  
1278 respect to an arbitration award that has been stayed. If the  
1279 petition for enforcement is granted, the petitioner shall  
1280 recover reasonable attorney fees and costs incurred in enforcing  
1281 the arbitration award. A mediation settlement may also be  
1282 enforced through the county or circuit court, as applicable, and  
1283 any costs and fees incurred in the enforcement of a settlement  
1284 agreement reached at mediation must be awarded to the prevailing  
1285 party in any enforcement action.

1286 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
1287 nonbinding arbitration as provided in subsections (1)-(4), a  
1288 party may submit a dispute to presuit mediation in accordance  
1289 with s. 720.311; however, election and recall disputes are not  
1290 eligible for mediation and such disputes must be arbitrated by  
1291 the division or filed in a court of competent jurisdiction.

1292 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every  
1293 arbitration petition received by the division and required to be  
1294 filed under this section challenging the legality of the  
1295 election of any director of the board of administration must be  
1296 handled on an expedited basis in the manner provided by the  
1297 division's rules for recall arbitration disputes.

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

1301 condominium.

1302 Section 9. Section 718.1265, Florida Statutes, is amended  
 1303 to read:

1304 718.1265 Association emergency powers.—

1305 (1) To the extent allowed by law, and unless specifically  
 1306 prohibited by the declaration of condominium, the articles, or  
 1307 the bylaws of an association, and consistent with ~~the provisions~~  
 1308 ~~of~~ s. 617.0830, the board of administration, in response to  
 1309 damage or injury caused by or anticipated in connection with an  
 1310 emergency, as defined in s. 252.34(4), ~~event~~ for which a state  
 1311 of emergency is declared pursuant to s. 252.36 in the locale in  
 1312 which the condominium is located, ~~may, but is not required to,~~  
 1313 exercise the following powers:

1314 (a) Conduct board meetings, committee meetings, elections,  
 1315 and membership meetings, in whole or in part, by telephone,  
 1316 real-time videoconferencing, or similar real-time electronic or  
 1317 video communication with notice given as is practicable. Such  
 1318 notice may be given in any practicable manner, including  
 1319 publication, radio, United States mail, the Internet, electronic  
 1320 transmission, public service announcements, and conspicuous  
 1321 posting on the condominium property or association property or  
 1322 any other means the board deems reasonable under the  
 1323 circumstances. Notice of ~~board~~ decisions also may be  
 1324 communicated as provided in this paragraph.

1325 (b) Cancel and reschedule any association meeting.

1326 (c) Name as assistant officers persons who are not  
 1327 directors, which assistant officers shall have the same  
 1328 authority as the executive officers to whom they are assistants  
 1329 during the state of emergency to accommodate the incapacity or  
 1330 unavailability of any officer of the association.

1331 (d) Relocate the association's principal office or  
 1332 designate alternative principal offices.

1333 (e) Enter into agreements with local counties and  
 1334 municipalities to assist counties and municipalities with debris  
 1335 removal.

1336 (f) Implement a disaster plan or an emergency plan before,  
 1337 during, or ~~immediately~~ following the event for which a state of  
 1338 emergency is declared which may include, but is not limited to,  
 1339 shutting down or off elevators; electricity; water, sewer, or  
 1340 security systems; or air conditioners.

1341 (g) Based upon advice of emergency management officials or  
 1342 public health officials, or upon the advice of licensed  
 1343 professionals retained by or otherwise available to the board,  
 1344 determine any portion of the condominium property or association  
 1345 property unavailable for entry or occupancy by unit owners,  
 1346 family members, tenants, guests, agents, or invitees to protect  
 1347 the health, safety, or welfare of such persons.

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

1351 occupant of a condominium fail or refuse to evacuate the  
1352 condominium property or association property where the board has  
1353 required evacuation, the association shall be immune from  
1354 liability or injury to persons or property arising from such  
1355 failure or refusal.

1356 (i) Based upon advice of emergency management officials or  
1357 public health officials, or upon the advice of licensed  
1358 professionals retained by or otherwise available to the board,  
1359 determine whether the condominium property, association  
1360 property, or any portion thereof can be safely inhabited,  
1361 accessed, or occupied. However, such determination is not  
1362 conclusive as to any determination of habitability pursuant to  
1363 the declaration.

1364 (j) Mitigate further damage, injury, or contagion,  
1365 including taking action to contract for the removal of debris  
1366 and to prevent or mitigate the spread of fungus or contagion,  
1367 including, but not limited to, mold or mildew, by removing and  
1368 disposing of wet drywall, insulation, carpet, cabinetry, or  
1369 other fixtures on or within the condominium property, even if  
1370 the unit owner is obligated by the declaration or law to insure  
1371 or replace those fixtures and to remove personal property from a  
1372 unit.

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

1376 further injury, contagion, or damage to the condominium property  
 1377 or association property. In such event, the unit owner or owners  
 1378 on whose behalf the board has contracted are responsible for  
 1379 reimbursing the association for the actual costs of the items or  
 1380 services, and the association may use its lien authority  
 1381 provided by s. 718.116 to enforce collection of the charges.  
 1382 Without limitation, such items or services may include the  
 1383 drying of units, the boarding of broken windows or doors, ~~and~~  
 1384 the replacement of damaged air conditioners or air handlers to  
 1385 provide climate control in the units or other portions of the  
 1386 property, and the sanitizing of the condominium property or  
 1387 association property, as applicable.

1388 (1) Regardless of any provision to the contrary and even  
 1389 if such authority does not specifically appear in the  
 1390 declaration of condominium, articles, or bylaws of the  
 1391 association, levy special assessments without a vote of the  
 1392 owners.

1393 (m) Without unit owners' approval, borrow money and pledge  
 1394 association assets as collateral to fund emergency repairs and  
 1395 carry out the duties of the association when operating funds are  
 1396 insufficient. This paragraph does not limit the general  
 1397 authority of the association to borrow money, subject to such  
 1398 restrictions as are contained in the declaration of condominium,  
 1399 articles, or bylaws of the association.

1400 (2) The special powers authorized under subsection (1)



1401 shall be limited to that time reasonably necessary to protect  
1402 the health, safety, and welfare of the association and the unit  
1403 owners and the unit owners' family members, tenants, guests,  
1404 agents, or invitees and shall be reasonably necessary to  
1405 mitigate further damage, injury, or contagion and make emergency  
1406 repairs.

1407 (3) Notwithstanding paragraphs (1)(f)-(i), during a state  
1408 of emergency declared by executive order or proclamation of the  
1409 Governor pursuant to s. 252.36, an association may not prohibit  
1410 unit owners, tenants, guests, agents, or invitees of a unit  
1411 owner from accessing the unit and the common elements and  
1412 limited common elements appurtenant thereto for the purposes of  
1413 ingress to and egress from the unit and when access is necessary  
1414 in connection with:

1415 (a) The sale, lease, or other transfer of title of a unit;  
1416 or

1417 (b) The habitability of the unit or for the health and  
1418 safety of such person unless a governmental order or  
1419 determination, or a public health directive from the Centers for  
1420 Disease Control and Prevention, has been issued prohibiting such  
1421 access to the unit. Any such access is subject to reasonable  
1422 restrictions adopted by the association.

1423 Section 10. Subsection (3) of section 718.202, Florida  
1424 Statutes, is amended to read:

1425 718.202 Sales or reservation deposits prior to closing.—

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

1451 (3) of section 718.303, Florida Statutes, are amended to read:  
 1452 718.303 Obligations of owners and occupants; remedies.—  
 1453 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
 1454 ~~each~~ association is governed by, and must comply with the  
 1455 provisions of, this chapter, the declaration, the documents  
 1456 creating the association, and the association bylaws which are  
 1457 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
 1458 Actions at law or in equity ~~for damages or for injunctive~~  
 1459 ~~relief~~, or both, for failure to comply with these provisions may  
 1460 be brought by the association or by a unit owner against:  
 1461 (a) The association.  
 1462 (b) A unit owner.  
 1463 (c) Directors designated by the developer, for actions  
 1464 taken by them before control of the association is assumed by  
 1465 unit owners other than the developer.  
 1466 (d) Any director who willfully and knowingly fails to  
 1467 comply with these provisions.  
 1468 (e) Any tenant leasing a unit, and any other invitee  
 1469 occupying a unit.  
 1470  
 1471 The prevailing party in any such action or in any action in  
 1472 which the purchaser claims a right of voidability based upon  
 1473 contractual provisions as required in s. 718.503(1)(a) is  
 1474 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
 1475 owner prevailing in an action between the association and the

1476 unit owner under this subsection ~~section~~, in addition to  
1477 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
1478 recover additional amounts as determined by the court to be  
1479 necessary to reimburse the unit owner for his or her share of  
1480 assessments levied by the association to fund its expenses of  
1481 the litigation. This relief does not exclude other remedies  
1482 provided by law. Actions arising under this subsection are not  
1483 considered ~~may not be deemed to be~~ actions for specific  
1484 performance.

1485 (3) The association may levy reasonable fines for the  
1486 failure of the owner of the unit or its tenant ~~occupant~~,  
1487 licensee, or invitee to comply with any provision of the  
1488 declaration, the association bylaws, or reasonable rules of the  
1489 association. A fine may not become a lien against a unit. A fine  
1490 may be levied by the board on the basis of each day of a  
1491 continuing violation, with a single notice and opportunity for  
1492 hearing before a committee as provided in paragraph (b).  
1493 However, the fine may not exceed \$100 per violation, or \$1,000  
1494 in the aggregate.

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

1501 appointed by the board who are not officers, directors, or  
 1502 employees of the association, or the spouse, parent, child,  
 1503 brother, or sister of an officer, director, or employee. The  
 1504 role of the committee is limited to determining whether to  
 1505 confirm or reject the fine or suspension levied by the board. If  
 1506 the committee does not approve the proposed fine or suspension  
 1507 by majority vote, the fine or suspension may not be imposed. If  
 1508 the proposed fine or suspension is approved by the committee,  
 1509 the fine payment is due 5 days after notice of the approved fine  
 1510 is provided to the unit owner and, if applicable, to any tenant,  
 1511 licensee, or invitee of the unit owner ~~the date of the committee~~  
 1512 ~~meeting at which the fine is approved.~~ The association must  
 1513 provide written notice of such fine or suspension by mail or  
 1514 hand delivery to the unit owner and, if applicable, to any  
 1515 tenant, licensee, or invitee of the unit owner.

1516 Section 12. Subsection (5) is added to section 718.405,  
 1517 Florida Statutes, to read:

1518 718.405 Multicondominiums; multicondominium associations.—

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

1526 | to associations existing on July 1, 2021.

1527 |       Section 13. Paragraph (1) of subsection (1) of section  
1528 | 718.501, Florida Statutes, is amended to read:

1529 |       718.501 Authority, responsibility, and duties of Division  
1530 | of Florida Condominiums, Timeshares, and Mobile Homes.—

1531 |       (1) The division may enforce and ensure compliance with  
1532 | ~~the provisions of~~ this chapter and rules relating to the  
1533 | development, construction, sale, lease, ownership, operation,  
1534 | and management of residential condominium units. In performing  
1535 | its duties, the division has complete jurisdiction to  
1536 | investigate complaints and enforce compliance with respect to  
1537 | associations that are still under developer control or the  
1538 | control of a bulk assignee or bulk buyer pursuant to part VII of  
1539 | this chapter and complaints against developers, bulk assignees,  
1540 | or bulk buyers involving improper turnover or failure to  
1541 | turnover, pursuant to s. 718.301. However, after turnover has  
1542 | occurred, the division has jurisdiction to investigate  
1543 | complaints related only to financial issues, elections, and the  
1544 | maintenance of and unit owner access to association records  
1545 | under ~~pursuant to~~ s. 718.111(12).

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

1551 proceedings under s. 718.1255 requesting a copy of the list. The  
1552 division shall include on the list of volunteer mediators only  
1553 the names of persons who have received at least 20 hours of  
1554 training in mediation techniques or who have mediated at least  
1555 20 disputes. In order to become initially certified by the  
1556 division, paid mediators must be certified by the Supreme Court  
1557 to mediate court cases in county or circuit courts. However, the  
1558 division may adopt, by rule, additional factors for the  
1559 certification of paid mediators, which must be related to  
1560 experience, education, or background. Any person initially  
1561 certified as a paid mediator by the division must, in order to  
1562 continue to be certified, comply with the factors or  
1563 requirements adopted by rule.

1564 Section 14. Section 718.5014, Florida Statutes, is amended  
1565 to read:

1566 718.5014 Ombudsman location.—The ombudsman shall maintain  
1567 his or her principal office in a Leon County ~~on the premises of~~  
1568 ~~the division or, if suitable space cannot be provided there, at~~  
1569 ~~another~~ place convenient to the offices of the division which  
1570 will enable the ombudsman to expeditiously carry out the duties  
1571 and functions of his or her office. The ombudsman may establish  
1572 branch offices elsewhere in the state upon the concurrence of  
1573 the Governor.

1574 Section 15. Subsection (25) of section 719.103, Florida  
1575 Statutes, is amended to read:

1576 719.103 Definitions.—As used in this chapter:

1577 (25) "Unit" means a part of the cooperative property which  
 1578 is subject to exclusive use and possession. A unit may be  
 1579 improvements, land, or land and improvements together, as  
 1580 specified in the cooperative documents. An interest in a unit is  
 1581 an interest in real property.

1582 Section 16. Paragraph (c) of subsection (2) of section  
 1583 719.104, Florida Statutes, is amended to read:

1584 719.104 Cooperatives; access to units; records; financial  
 1585 reports; assessments; purchase of leases.—

1586 (2) OFFICIAL RECORDS.—

1587 (c) The official records of the association are open to  
 1588 inspection by any association member or the authorized  
 1589 representative of such member at all reasonable times. The right  
 1590 to inspect the records includes the right to make or obtain  
 1591 copies, at the reasonable expense, if any, of the association  
 1592 member. The association may adopt reasonable rules regarding the  
 1593 frequency, time, location, notice, and manner of record  
 1594 inspections and copying, but may not require a member to  
 1595 demonstrate any purpose or state any reason for the inspection.

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



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

1626 device, including a smartphone, tablet, portable scanner, or any  
1627 other technology capable of scanning or taking photographs, to  
1628 make an electronic copy of the official records in lieu of the  
1629 association providing the member or his or her authorized  
1630 representative with a copy of such records. The association may  
1631 not charge a member or his or her authorized representative for  
1632 the use of a portable device. Notwithstanding this paragraph,  
1633 the following records shall not be accessible to members ~~unit~~  
1634 ~~owners~~:

1635       1. Any record protected by the lawyer-client privilege as  
1636 described in s. 90.502 and any record protected by the work-  
1637 product privilege, including any record prepared by an  
1638 association attorney or prepared at the attorney's express  
1639 direction which reflects a mental impression, conclusion,  
1640 litigation strategy, or legal theory of the attorney or the  
1641 association, and which was prepared exclusively for civil or  
1642 criminal litigation or for adversarial administrative  
1643 proceedings, or which was prepared in anticipation of such  
1644 litigation or proceedings until the conclusion of the litigation  
1645 or proceedings.

1646       2. Information obtained by an association in connection  
1647 with the approval of the lease, sale, or other transfer of a  
1648 unit.

1649       3. Personnel records of association or management company  
1650 employees, including, but not limited to, disciplinary, payroll,

1651 health, and insurance records. For purposes of this  
1652 subparagraph, the term "personnel records" does not include  
1653 written employment agreements with an association employee or  
1654 management company, or budgetary or financial records that  
1655 indicate the compensation paid to an association employee.

1656 4. Medical records of unit owners.

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

1676 record of the association and is voluntarily provided by an  
1677 owner and not requested by the association.

1678 6. Electronic security measures that are used by the  
1679 association to safeguard data, including passwords.

1680 7. The software and operating system used by the  
1681 association which allow the manipulation of data, even if the  
1682 owner owns a copy of the same software used by the association.  
1683 The data is part of the official records of the association.

1684 Section 17. Paragraphs (b), (f), and (l) of subsection (1)  
1685 of section 719.106, Florida Statutes, are amended, and  
1686 subsection (3) is added to that section, to read:

1687 719.106 Bylaws; cooperative ownership.—

1688 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1689 documents shall provide for the following, and if they do not,  
1690 they shall be deemed to include the following:

1691 (b) *Quorum; voting requirements; proxies.*—

1692 1. Unless otherwise provided in the bylaws, the percentage  
1693 of voting interests required to constitute a quorum at a meeting  
1694 of the members shall be a majority of voting interests, and  
1695 decisions shall be made by owners of a majority of the voting  
1696 interests. Unless otherwise provided in this chapter, or in the  
1697 articles of incorporation, bylaws, or other cooperative  
1698 documents, and except as provided in subparagraph (d)1.,  
1699 decisions shall be made by owners of a majority of the voting  
1700 interests represented at a meeting at which a quorum is present.

1701           2. Except as specifically otherwise provided herein, after  
1702 January 1, 1992, unit owners may not vote by general proxy, but  
1703 may vote by limited proxies substantially conforming to a  
1704 limited proxy form adopted by the division. Limited proxies and  
1705 general proxies may be used to establish a quorum. Limited  
1706 proxies shall be used for votes taken to waive or reduce  
1707 reserves in accordance with subparagraph (j)2., for votes taken  
1708 to waive the financial reporting requirements of s.  
1709 719.104(4)(b), for votes taken to amend the articles of  
1710 incorporation or bylaws pursuant to this section, and for any  
1711 other matter for which this chapter requires or permits a vote  
1712 of the unit owners. Except as provided in paragraph (d), after  
1713 January 1, 1992, no proxy, limited or general, shall be used in  
1714 the election of board members. General proxies may be used for  
1715 other matters for which limited proxies are not required, and  
1716 may also be used in voting for nonsubstantive changes to items  
1717 for which a limited proxy is required and given. Notwithstanding  
1718 the provisions of this section, unit owners may vote in person  
1719 at unit owner meetings. Nothing contained herein shall limit the  
1720 use of general proxies or require the use of limited proxies or  
1721 require the use of limited proxies for any agenda item or  
1722 election at any meeting of a timeshare cooperative.

1723           3. Any proxy given shall be effective only for the  
1724 specific meeting for which originally given and any lawfully  
1725 adjourned meetings thereof. In no event shall any proxy be valid

1726 for a period longer than 90 days after the date of the first  
1727 meeting for which it was given. Every proxy shall be revocable  
1728 at any time at the pleasure of the unit owner executing it.

1729 4. A member of the board of administration or a committee  
1730 may submit in writing his or her agreement or disagreement with  
1731 any action taken at a meeting that the member did not attend.  
1732 This agreement or disagreement may not be used as a vote for or  
1733 against the action taken and may not be used for the purposes of  
1734 creating a quorum.

1735 5. A board member or committee member participating in a  
1736 meeting via telephone, real-time videoconferencing, or similar  
1737 real-time electronic or video communication counts toward a  
1738 quorum, and such member may vote as if physically present ~~When~~  
1739 ~~some or all of the board or committee members meet by telephone~~  
1740 ~~conference, those board or committee members attending by~~  
1741 ~~telephone conference may be counted toward obtaining a quorum~~  
1742 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
1743 used ~~utilized~~ so that the conversation of such ~~those board or~~  
1744 ~~committee members attending by telephone~~ may be heard by the  
1745 board or committee members attending in person, as well as by  
1746 any unit owners present at a meeting.

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

1751 A special meeting of the voting interests to recall any member  
1752 of the board of administration may be called by 10 percent of  
1753 the unit owners giving notice of the meeting as required for a  
1754 meeting of unit owners, and the notice shall state the purpose  
1755 of the meeting. Electronic transmission may not be used as a  
1756 method of giving notice of a meeting called in whole or in part  
1757 for this purpose.

1758 1. If the recall is approved by a majority of all voting  
1759 interests by a vote at a meeting, the recall shall be effective  
1760 as provided in this paragraph. The board shall duly notice and  
1761 hold a board meeting within 5 full business days after the  
1762 adjournment of the unit owner meeting to recall one or more  
1763 board members. At the meeting, the board shall either certify  
1764 the recall, in which case such member or members shall be  
1765 recalled effective immediately and shall turn over to the board  
1766 within 5 full business days any and all records and property of  
1767 the association in their possession, or shall proceed as set  
1768 forth in subparagraph 3.

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

1776 writing. At the meeting, the board shall either certify the  
1777 written agreement to recall members of the board, in which case  
1778 such members shall be recalled effective immediately and shall  
1779 turn over to the board, within 5 full business days, any and all  
1780 records and property of the association in their possession, or  
1781 proceed as described in subparagraph 3.

1782 3. If the board determines not to certify the written  
1783 agreement to recall members of the board, or does not certify  
1784 the recall by a vote at a meeting, the board shall, within 5  
1785 full business days after the board meeting, file with the  
1786 division a petition for binding arbitration under ~~pursuant to~~  
1787 ~~the procedures of~~ s. 719.1255 or file an action with a court of  
1788 competent jurisdiction. For purposes of this paragraph, the unit  
1789 owners who voted at the meeting or who executed the agreement in  
1790 writing shall constitute one party under the petition for  
1791 arbitration or in a court action. If the arbitrator or court  
1792 certifies the recall as to any member of the board, the recall  
1793 is ~~shall be~~ effective upon the mailing of the final order of  
1794 arbitration to the association or the final order of the court.  
1795 If the association fails to comply with the order of the court  
1796 or the arbitrator, the division may take action under ~~pursuant~~  
1797 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board  
1798 any and all records and property of the association in the  
1799 member's possession within 5 full business days after the  
1800 effective date of the recall.



1801           4. If the board fails to duly notice and hold a board  
 1802 meeting within 5 full business days after service of an  
 1803 agreement in writing or within 5 full business days after the  
 1804 adjournment of the unit owner recall meeting, the recall is  
 1805 ~~shall be~~ deemed effective and the board members so recalled  
 1806 shall immediately turn over to the board any and all records and  
 1807 property of the association.

1808           5. If the board fails to duly notice and hold the required  
 1809 meeting or fails to file the required petition or action, the  
 1810 unit owner representative may file a petition under ~~pursuant to~~  
 1811 s. 719.1255 or file an action in a court of competent  
 1812 jurisdiction challenging the board's failure to act. The  
 1813 petition or action must be filed within 60 days after the  
 1814 expiration of the applicable 5-full-business-day period. The  
 1815 review of a petition or action under this subparagraph is  
 1816 limited to the sufficiency of service on the board and the  
 1817 facial validity of the written agreement or ballots filed.

1818           6. If a vacancy occurs on the board as a result of a  
 1819 recall and less than a majority of the board members are  
 1820 removed, the vacancy may be filled by the affirmative vote of a  
 1821 majority of the remaining directors, notwithstanding any  
 1822 provision to the contrary contained in this chapter. If  
 1823 vacancies occur on the board as a result of a recall and a  
 1824 majority or more of the board members are removed, the vacancies  
 1825 shall be filled in accordance with procedural rules to be

1826 adopted by the division, which rules need not be consistent with  
1827 this chapter. The rules must provide procedures governing the  
1828 conduct of the recall election as well as the operation of the  
1829 association during the period after a recall but before the  
1830 recall election.

1831 7. A board member who has been recalled may file a  
1832 petition under ~~pursuant to~~ s. 719.1255 or file an action in a  
1833 court of competent jurisdiction challenging the validity of the  
1834 recall. The petition or action must be filed within 60 days  
1835 after the recall is deemed certified. The association and the  
1836 unit owner representative shall be named as the respondents.

1837 8. The division or court may not accept for filing a  
1838 recall petition or action, whether filed under ~~pursuant to~~  
1839 subparagraph 1., subparagraph 2., subparagraph 5., or  
1840 subparagraph 7. and regardless of whether the recall was  
1841 certified, when there are 60 or fewer days until the scheduled  
1842 reelection of the board member sought to be recalled or when 60  
1843 or fewer days have not elapsed since the election of the board  
1844 member sought to be recalled.

1845 (1) Alternative dispute resolution ~~Arbitration~~.—There  
1846 shall be a provision for alternative dispute resolution  
1847 ~~mandatory nonbinding arbitration~~ of internal disputes arising  
1848 from the operation of the cooperative in accordance with s.  
1849 719.1255.

1850 (3) GENERALLY.—The association may extinguish a

1851 discriminatory restriction as provided under s. 712.065.

1852 Section 18. Section 719.128, Florida Statutes, is amended  
 1853 to read:

1854 719.128 Association emergency powers.—

1855 (1) To the extent allowed by law, unless specifically  
 1856 prohibited by the cooperative documents, and consistent with s.  
 1857 617.0830, the board of administration, in response to damage or  
 1858 injury caused by or anticipated in connection with an emergency,  
 1859 as defined in s. 252.34(4), ~~event~~ for which a state of emergency  
 1860 is declared pursuant to s. 252.36 in the area encompassed by the  
 1861 cooperative, may exercise the following powers:

1862 (a) Conduct board meetings, committee meetings, elections,  
 1863 or membership meetings, in whole or in part, by telephone, real-  
 1864 time videoconferencing, or similar real-time electronic or video  
 1865 communication after notice of the meetings and board decisions  
 1866 is provided in as practicable a manner as possible, including  
 1867 via publication, radio, United States mail, the Internet,  
 1868 electronic transmission, public service announcements,  
 1869 conspicuous posting on the cooperative property, or any other  
 1870 means the board deems appropriate under the circumstances.  
 1871 Notice of decisions may also be communicated as provided in this  
 1872 paragraph.

1873 (b) Cancel and reschedule an association meeting.

1874 (c) Designate assistant officers who are not directors. If  
 1875 the executive officer is incapacitated or unavailable, the

1876 assistant officer has the same authority during the state of  
 1877 emergency as the executive officer he or she assists.

1878 (d) Relocate the association's principal office or  
 1879 designate an alternative principal office.

1880 (e) Enter into agreements with counties and municipalities  
 1881 to assist counties and municipalities with debris removal.

1882 (f) Implement a disaster or an emergency plan before,  
 1883 during, or ~~immediately~~ following the event for which a state of  
 1884 emergency is declared, which may include turning on or shutting  
 1885 off elevators; electricity; water, sewer, or security systems;  
 1886 or air conditioners for association buildings.

1887 (g) Based upon the advice of emergency management  
 1888 officials or public health officials, or upon the advice of  
 1889 licensed professionals retained by or otherwise available to the  
 1890 board of administration, determine any portion of the  
 1891 cooperative property unavailable for entry or occupancy by unit  
 1892 owners or their family members, tenants, guests, agents, or  
 1893 invitees to protect their health, safety, or welfare.

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

1901 documents ~~declaration~~.

1902 (i) Require the evacuation of the cooperative property in  
 1903 the event of a mandatory evacuation order in the area where the  
 1904 cooperative is located or prohibit or restrict access to the  
 1905 cooperative property in the event of a public health threat. If  
 1906 a unit owner or other occupant of a cooperative fails to  
 1907 evacuate the cooperative property for which the board has  
 1908 required evacuation, the association is immune from liability  
 1909 for injury to persons or property arising from such failure.

1910 (j) Mitigate further damage, injury, or contagion,  
 1911 including taking action to contract for the removal of debris  
 1912 and to prevent or mitigate the spread of fungus, including mold  
 1913 or mildew, by removing and disposing of wet drywall, insulation,  
 1914 carpet, cabinetry, or other fixtures on or within the  
 1915 cooperative property, regardless of whether the unit owner is  
 1916 obligated by the cooperative documents ~~declaration~~ or law to  
 1917 insure or replace those fixtures and to remove personal property  
 1918 from a unit or to sanitize the cooperative property.

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

1926 authority provided by s. 719.108 to enforce collection of the  
 1927 charges. Such items or services may include the drying of the  
 1928 unit, the boarding of broken windows or doors, ~~and~~ the  
 1929 replacement of a damaged air conditioner or air handler to  
 1930 provide climate control in the unit or other portions of the  
 1931 property, and the sanitizing of the cooperative property.

1932 (1) Notwithstanding a provision to the contrary, and  
 1933 regardless of whether such authority does not specifically  
 1934 appear in the cooperative documents, levy special assessments  
 1935 without a vote of the owners.

1936 (m) Without unit owners' approval, borrow money and pledge  
 1937 association assets as collateral to fund emergency repairs and  
 1938 carry out the duties of the association if operating funds are  
 1939 insufficient. This paragraph does not limit the general  
 1940 authority of the association to borrow money, subject to such  
 1941 restrictions contained in the cooperative documents.

1942 (2) The authority granted under subsection (1) is limited  
 1943 to that time reasonably necessary to protect the health, safety,  
 1944 and welfare of the association and the unit owners and their  
 1945 family members, tenants, guests, agents, or invitees, and to  
 1946 mitigate further damage, injury, or contagion and make emergency  
 1947 repairs.

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

1951 unit owners, tenants, guests, agents, or invitees of a unit  
 1952 owner from accessing the common elements and limited common  
 1953 elements appurtenant thereto for the purposes of ingress to and  
 1954 egress from the unit when access is necessary in connection

1955 with:

1956 (a) The sale, lease, or other transfer of title of a unit;

1957 or

1958 (b) The habitability of the unit or for the health and  
 1959 safety of such person unless a governmental order or  
 1960 determination, or a public health directive from the Centers for  
 1961 Disease Control and Prevention, has been issued prohibiting such  
 1962 access to the unit. Any such access is subject to reasonable  
 1963 restrictions adopted by the association.

1964 Section 19. Subsection (8) of section 720.301, Florida  
 1965 Statutes, is amended to read:

1966 720.301 Definitions.—As used in this chapter, the term:

1967 (8) "Governing documents" means:

1968 (a) The recorded declaration of covenants for a community  
 1969 and all duly adopted and recorded amendments, supplements, and  
 1970 recorded exhibits thereto. ~~†~~

1971 (b) The articles of incorporation and bylaws of the  
 1972 homeowners' association and any duly adopted amendments  
 1973 thereto. ~~†~~ ~~and~~

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

1976 | ~~and duly adopted amendments thereto.~~

1977 |       Section 20. Paragraph (l) of subsection (4) of section  
 1978 | 720.303, Florida Statutes, is redesignated as paragraph (m) and  
 1979 | amended, paragraph (c) of subsection (2), paragraph (c) of  
 1980 | subsection (5), paragraphs (c) and (d) of subsection (6), and  
 1981 | paragraphs (b), (d), (g), (k), and (l) of subsection (10) are  
 1982 | amended, and a new paragraph (l) is added to subsection (4) of  
 1983 | that section, to read:

1984 |       720.303 Association powers and duties; meetings of board;  
 1985 | official records; budgets; financial reporting; association  
 1986 | funds; recalls.—

1987 |       (2) BOARD MEETINGS.—

1988 |       (c) The bylaws shall provide the following for giving  
 1989 | notice to parcel owners and members of all board meetings and,  
 1990 | if they do not do so, shall be deemed to include the following:

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



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

2026 | electronic transmission in a manner authorized by law for  
2027 | meetings of the board of directors, committee meetings requiring  
2028 | notice under this section, and annual and special meetings of  
2029 | the members to any member who has provided a facsimile number or  
2030 | e-mail address to the association to be used for such purposes;  
2031 | however, a member must consent in writing to receiving notice by  
2032 | electronic transmission.

2033 |         2. An assessment may not be levied at a board meeting  
2034 | unless the notice of the meeting includes a statement that  
2035 | assessments will be considered and the nature of the  
2036 | assessments. Written notice of any meeting at which special  
2037 | assessments will be considered or at which amendments to rules  
2038 | regarding parcel use will be considered must be mailed,  
2039 | delivered, or electronically transmitted to the members and  
2040 | parcel owners and posted conspicuously on the property or  
2041 | broadcast on closed-circuit cable television not less than 14  
2042 | days before the meeting.

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

2051 community.

2052 (4) OFFICIAL RECORDS.—The association shall maintain each  
 2053 of the following items, when applicable, which constitute the  
 2054 official records of the association:

2055 (1) Ballots, sign-in sheets, voting proxies, and all other  
 2056 papers and electronic records relating to voting by parcel  
 2057 owners, which must be maintained for at least 1 year after the  
 2058 date of the election, vote, or meeting.

2059 (m)~~(l)~~ All other written records of the association not  
 2060 specifically included in this subsection ~~the foregoing~~ which are  
 2061 related to the operation of the association.

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

2076 | copies on request during the inspection if the entire request is  
2077 | limited to no more than 25 pages. An association shall allow a  
2078 | member or his or her authorized representative to use a portable  
2079 | device, including a smartphone, tablet, portable scanner, or any  
2080 | other technology capable of scanning or taking photographs, to  
2081 | make an electronic copy of the official records in lieu of the  
2082 | association's providing the member or his or her authorized  
2083 | representative with a copy of such records. The association may  
2084 | not charge a fee to a member or his or her authorized  
2085 | representative for the use of a portable device.

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

2101 association does not have a photocopy machine available where  
2102 the records are kept, or if the records requested to be copied  
2103 exceed 25 pages in length, the association may have copies made  
2104 by an outside duplicating service and may charge the actual cost  
2105 of copying, as supported by the vendor invoice. The association  
2106 shall maintain an adequate number of copies of the recorded  
2107 governing documents, to ensure their availability to members and  
2108 prospective members. Notwithstanding this paragraph, the  
2109 following records are not accessible to members or parcel  
2110 owners:

2111       1. Any record protected by the lawyer-client privilege as  
2112 described in s. 90.502 and any record protected by the work-  
2113 product privilege, including, but not limited to, a record  
2114 prepared by an association attorney or prepared at the  
2115 attorney's express direction which reflects a mental impression,  
2116 conclusion, litigation strategy, or legal theory of the attorney  
2117 or the association and which was prepared exclusively for civil  
2118 or criminal litigation or for adversarial administrative  
2119 proceedings or which was prepared in anticipation of such  
2120 litigation or proceedings until the conclusion of the litigation  
2121 or proceedings.

2122       2. Information obtained by an association in connection  
2123 with the approval of the lease, sale, or other transfer of a  
2124 parcel.

2125       3. Information an association obtains in a gated community

2126 in connection with guests' visits to parcel owners or community  
2127 residents.

2128 ~~4.3.~~ Personnel records of association or management  
2129 company employees, including, but not limited to, disciplinary,  
2130 payroll, health, and insurance records. For purposes of this  
2131 subparagraph, the term "personnel records" does not include  
2132 written employment agreements with an association or management  
2133 company employee or budgetary or financial records that indicate  
2134 the compensation paid to an association or management company  
2135 employee.

2136 ~~5.4.~~ Medical records of parcel owners or community  
2137 residents.

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

2151 the disclosure of other contact information described in this  
2152 subparagraph. The association is not liable for the disclosure  
2153 of information that is protected under this subparagraph if the  
2154 information is included in an official record of the association  
2155 and is voluntarily provided by an owner and not requested by the  
2156 association.

2157 ~~7.6.~~ Any electronic security measure that is used by the  
2158 association to safeguard data, including passwords.

2159 ~~8.7.~~ The software and operating system used by the  
2160 association which allows the manipulation of data, even if the  
2161 owner owns a copy of the same software used by the association.  
2162 The data is part of the official records of the association.

2163 (6) BUDGETS.—

2164 (c)1. If the budget of the association does not provide  
2165 for reserve accounts under ~~pursuant to~~ paragraph (d), or the  
2166 declaration of covenants, articles, or bylaws do not obligate  
2167 the developer to create reserves, and the association is  
2168 responsible for the repair and maintenance of capital  
2169 improvements that may result in a special assessment if reserves  
2170 are not provided or not fully funded, each financial report for  
2171 the preceding fiscal year required by subsection (7) must  
2172 contain the following statement in conspicuous type:

2173  
2174 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED  
2175 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED

2176 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING  
 2177 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED  
 2178 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA  
 2179 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL  
 2180 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A  
 2181 MEETING OR BY WRITTEN CONSENT.

2182 2. If the budget of the association does provide for  
 2183 funding accounts for deferred expenditures, including, but not  
 2184 limited to, funds for capital expenditures and deferred  
 2185 maintenance, but such accounts are not created or established  
 2186 under ~~pursuant to~~ paragraph (d), each financial report for the  
 2187 preceding fiscal year required under subsection (7) must also  
 2188 contain the following statement in conspicuous type:  
 2189 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY  
 2190 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES  
 2191 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED  
 2192 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED  
 2193 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION  
 2194 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE  
 2195 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR  
 2196 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

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



2201 ~~accounts are established by the developer, the budget must~~  
2202 ~~designate the components for which the reserve accounts may be~~  
2203 ~~used. If reserve accounts are not initially provided by the~~  
2204 ~~developer, the membership of the association may elect to do so~~  
2205 upon the affirmative approval of a majority of the total voting  
2206 interests of the association. Such approval may be obtained by  
2207 vote of the members at a duly called meeting of the membership  
2208 or by the written consent of a majority of the total voting  
2209 interests of the association. The approval action of the  
2210 membership must state that reserve accounts shall be provided  
2211 for in the budget and must designate the components for which  
2212 the reserve accounts are to be established. Upon approval by the  
2213 membership, the board of directors shall include the required  
2214 reserve accounts in the budget in the next fiscal year following  
2215 the approval and each year thereafter. Once established as  
2216 provided in this subsection, the reserve accounts must be funded  
2217 or maintained or have their funding waived in the manner  
2218 provided in paragraph (f).

2219 (10) RECALL OF DIRECTORS.—

2220 (b)1. Board directors may be recalled by an agreement in  
2221 writing or by written ballot without a membership meeting. The  
2222 agreement in writing or the written ballots, or a copy thereof,  
2223 shall be served on the association by certified mail or by  
2224 personal service in the manner authorized by chapter 48 and the  
2225 Florida Rules of Civil Procedure.

2226           2. The board shall duly notice and hold a meeting of the  
2227 board within 5 full business days after receipt of the agreement  
2228 in writing or written ballots. At the meeting, the board shall  
2229 either certify the written ballots or written agreement to  
2230 recall a director or directors of the board, in which case such  
2231 director or directors shall be recalled effective immediately  
2232 and shall turn over to the board within 5 full business days any  
2233 and all records and property of the association in their  
2234 possession, or proceed as described in paragraph (d).

2235           3. When it is determined by the department pursuant to  
2236 binding arbitration proceedings or the court in an action filed  
2237 in a court of competent jurisdiction that an initial recall  
2238 effort was defective, written recall agreements or written  
2239 ballots used in the first recall effort and not found to be  
2240 defective may be reused in one subsequent recall effort.  
2241 However, in no event is a written agreement or written ballot  
2242 valid for more than 120 days after it has been signed by the  
2243 member.

2244           4. Any rescission or revocation of a member's written  
2245 recall ballot or agreement must be in writing and, in order to  
2246 be effective, must be delivered to the association before the  
2247 association is served with the written recall agreements or  
2248 ballots.

2249           5. The agreement in writing or ballot shall list at least  
2250 as many possible replacement directors as there are directors

2251 subject to the recall, when at least a majority of the board is  
 2252 sought to be recalled; the person executing the recall  
 2253 instrument may vote for as many replacement candidates as there  
 2254 are directors subject to the recall.

2255 (d) If the board determines not to certify the written  
 2256 agreement or written ballots to recall a director or directors  
 2257 of the board or does not certify the recall by a vote at a  
 2258 meeting, the board shall, within 5 full business days after the  
 2259 meeting, file an action with a court of competent jurisdiction  
 2260 or file with the department a petition for binding arbitration  
 2261 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)  
 2262 and 718.1255 and the rules adopted thereunder. For the purposes  
 2263 of this section, the members who voted at the meeting or who  
 2264 executed the agreement in writing shall constitute one party  
 2265 under the petition for arbitration or in a court action. If the  
 2266 arbitrator or court certifies the recall as to any director or  
 2267 directors of the board, the recall will be effective upon the  
 2268 final order of the court or the mailing of the final order of  
 2269 arbitration to the association. The director or directors so  
 2270 recalled shall deliver to the board any and all records of the  
 2271 association in their possession within 5 full business days  
 2272 after the effective date of the recall.

2273 (g) If the board fails to duly notice and hold the  
 2274 required meeting or fails to file the required petition or  
 2275 action, the parcel ~~unit~~ owner representative may file a petition

2276 or a court action under ~~pursuant to~~ s. 718.1255 challenging the  
2277 board's failure to act. The petition or action must be filed  
2278 within 60 days after the expiration of the applicable 5-full-  
2279 business-day period. The review of a petition or action under  
2280 this paragraph is limited to the sufficiency of service on the  
2281 board and the facial validity of the written agreement or  
2282 ballots filed.

2283 (k) A board member who has been recalled may file an  
2284 action with a court of competent jurisdiction or a petition  
2285 under ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules  
2286 adopted challenging the validity of the recall. The petition or  
2287 action must be filed within 60 days after the recall is deemed  
2288 certified. The association and the parcel ~~unit~~ owner  
2289 representative shall be named as respondents.

2290 (l) The division or a court of competent jurisdiction may  
2291 not accept for filing a recall petition or action, whether filed  
2292 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),  
2293 or paragraph (k) and regardless of whether the recall was  
2294 certified, when there are 60 or fewer days until the scheduled  
2295 reelection of the board member sought to be recalled or when 60  
2296 or fewer days have not elapsed since the election of the board  
2297 member sought to be recalled.

2298 Section 21. Subsection (2) of section 720.305, Florida  
2299 Statutes, is amended to read:

2300 720.305 Obligations of members; remedies at law or in

2301 equity; levy of fines and suspension of use rights.-

2302 (2) An ~~The~~ association may levy reasonable fines. A fine  
 2303 may not exceed \$100 per violation against any member or any  
 2304 member's tenant, guest, or invitee for the failure of the owner  
 2305 of the parcel or its occupant, licensee, or invitee to comply  
 2306 with any provision of the declaration, the association bylaws,  
 2307 or reasonable rules of the association unless otherwise provided  
 2308 in the governing documents. A fine may be levied by the board  
 2309 for each day of a continuing violation, with a single notice and  
 2310 opportunity for hearing, except that the fine may not exceed  
 2311 \$1,000 in the aggregate unless otherwise provided in the  
 2312 governing documents. A fine of less than \$1,000 may not become a  
 2313 lien against a parcel. In any action to recover a fine, the  
 2314 prevailing party is entitled to reasonable attorney fees and  
 2315 costs from the nonprevailing party as determined by the court.

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

2326 | but not limited to, the right to park.

2327 |       (b) A fine or suspension levied by the board of  
 2328 | administration may not be imposed unless the board first  
 2329 | provides at least 14 days' notice to the parcel owner and, if  
 2330 | applicable, any occupant, licensee, or invitee of the parcel  
 2331 | owner, sought to be fined or suspended and an opportunity for a  
 2332 | hearing before a committee of at least three members appointed  
 2333 | by the board who are not officers, directors, or employees of  
 2334 | the association, or the spouse, parent, child, brother, or  
 2335 | sister of an officer, director, or employee. If the committee,  
 2336 | by majority vote, does not approve a proposed fine or  
 2337 | suspension, the proposed fine or suspension may not be imposed.  
 2338 | The role of the committee is limited to determining whether to  
 2339 | confirm or reject the fine or suspension levied by the board. If  
 2340 | the proposed fine or suspension levied by the board is approved  
 2341 | by the committee, the fine payment is due 5 days after notice of  
 2342 | the approved fine is provided to the parcel owner and, if  
 2343 | applicable, to any occupant, licensee, or invitee of the parcel  
 2344 | owner ~~the date of the committee meeting at which the fine is~~  
 2345 | ~~approved~~. The association must provide written notice of such  
 2346 | fine or suspension by mail or hand delivery to the parcel owner  
 2347 | and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
 2348 | of the parcel owner.

2349 |       Section 22. Paragraph (g) of subsection (1) and paragraph  
 2350 | (c) of subsection (9) of section 720.306, Florida Statutes, are

2351 amended, and paragraph (h) is added to subsection (1) of that  
 2352 section, to read:

2353 720.306 Meetings of members; voting and election  
 2354 procedures; amendments.—

2355 (1) QUORUM; AMENDMENTS.—

2356 (g) A notice required under this section must be mailed or  
 2357 delivered to the address identified as the parcel owner's  
 2358 mailing address in the official records of the association as  
 2359 required under s. 720.303(4) ~~on the property appraiser's website~~  
 2360 ~~for the county in which the parcel is located~~, or electronically  
 2361 transmitted in a manner authorized by the association if the  
 2362 parcel owner has consented, in writing, to receive notice by  
 2363 electronic transmission.

2364 (h)1. Except as otherwise provided in this paragraph, any  
 2365 governing document, or amendment to a governing document, that  
 2366 is enacted after July 1, 2021, and that prohibits or regulates  
 2367 rental agreements applies only to a parcel owner who acquires  
 2368 title to the parcel after the effective date of the governing  
 2369 document or amendment, or to a parcel owner who consents,  
 2370 individually or through a representative, to the governing  
 2371 document or amendment.

2372 2. Notwithstanding subparagraph 1., an association may  
 2373 amend its governing documents to prohibit or regulate rental  
 2374 agreements for a term of less than 6 months and may prohibit the  
 2375 rental of a parcel for more than three times in a calendar year,

2376 | and such amendments shall apply to all parcel owners.

2377 | 3. This paragraph does not affect the amendment  
 2378 | restrictions for associations of 15 or fewer parcel owners under  
 2379 | s. 720.303(1).

2380 | 4. For purposes of this paragraph, a change of ownership  
 2381 | does not occur when a parcel owner conveys the parcel to an  
 2382 | affiliated entity, when beneficial ownership of the parcel does  
 2383 | not change, or when an heir becomes the parcel owner. For  
 2384 | purposes of this subparagraph, the term "affiliated entity"  
 2385 | means an entity that controls, is controlled by, or is under  
 2386 | common control with the parcel owner or that becomes a parent or  
 2387 | successor entity by reason of transfer, merger, consolidation,  
 2388 | public offering, reorganization, dissolution or sale of stock,  
 2389 | or transfer of membership partnership interests. For a  
 2390 | conveyance to be recognized as one made to an affiliated entity,  
 2391 | the entity must furnish to the association a document certifying  
 2392 | that this subparagraph applies and provide any organizational  
 2393 | documents for the parcel owner and the affiliated entity which  
 2394 | support the representations in the certificate, as requested by  
 2395 | the association.

2396 | 5. For purposes of this paragraph, a change of ownership  
 2397 | does occur when, with respect to a parcel owner that is a  
 2398 | business entity, every person that owned an interest in the real  
 2399 | property at the time of the enactment of the amendment or rule



2400 conveys their interest in the real property to an unaffiliated  
2401 entity.

2402 (9) ELECTIONS AND BOARD VACANCIES.—

2403 (c) Any election dispute between a member and an  
2404 association must be submitted to ~~mandatory~~ binding arbitration  
2405 with the division or filed with a court of competent  
2406 jurisdiction. Such proceedings that are submitted to binding  
2407 arbitration with the division must be conducted in the manner  
2408 provided by s. 718.1255 and the procedural rules adopted by the  
2409 division. Unless otherwise provided in the bylaws, any vacancy  
2410 occurring on the board before the expiration of a term may be  
2411 filled by an affirmative vote of the majority of the remaining  
2412 directors, even if the remaining directors constitute less than  
2413 a quorum, or by the sole remaining director. In the alternative,  
2414 a board may hold an election to fill the vacancy, in which case  
2415 the election procedures must conform to the requirements of the  
2416 governing documents. Unless otherwise provided in the bylaws, a  
2417 board member appointed or elected under this section is  
2418 appointed for the unexpired term of the seat being filled.  
2419 Filling vacancies created by recall is governed by s.  
2420 720.303(10) and rules adopted by the division.

2421 Section 23. Paragraph (a) of subsection (1) and subsection  
2422 (2) of section 720.307, Florida Statutes, are amended to read:

2423 720.307 Transition of association control in a community.—  
2424 With respect to homeowners' associations:

2425 (1) Members other than the developer are entitled to elect  
 2426 at least a majority of the members of the board of directors of  
 2427 the homeowners' association when the earlier of the following  
 2428 events occurs:

2429 (a) Three months after 90 percent of the parcels in all  
 2430 phases of the community that will ultimately be operated by the  
 2431 homeowners' association have been conveyed to members other than  
 2432 the developer;

2433  
 2434 For purposes of this section, the term "members other than the  
 2435 developer" shall not include builders, contractors, or others  
 2436 who purchase a parcel for the purpose of constructing  
 2437 improvements thereon for resale.

2438 (2) Members other than the developer are entitled to elect  
 2439 at least one member of the board of directors of the homeowners'  
 2440 association if 50 percent of the parcels in all phases of the  
 2441 community which will ultimately be operated by the association  
 2442 have been conveyed to members other than the developer.

2443 Section 24. Subsection (6) is added to section 720.3075,  
 2444 Florida Statutes, to read:

2445 720.3075 Prohibited clauses in association documents.—

2446 (6) An association may extinguish a discriminatory  
 2447 restriction as provided in s. 712.065.

2448 Section 25. Subsection (1) of section 720.311, Florida  
 2449 Statutes, is amended to read:

2450           720.311 Dispute resolution.—

2451           (1) The Legislature finds that alternative dispute

2452 resolution has made progress in reducing court dockets and

2453 trials and in offering a more efficient, cost-effective option

2454 to litigation. The filing of any petition for arbitration or the

2455 serving of a demand for presuit mediation as provided for in

2456 this section shall toll the applicable statute of limitations.

2457 Any recall dispute filed with the department under ~~pursuant to~~

2458 s. 720.303(10) shall be conducted by the department in

2459 accordance with the provisions of ss. 718.112(2)(j) and 718.1255

2460 and the rules adopted by the division. In addition, the

2461 department shall conduct ~~mandatory~~ binding arbitration of

2462 election disputes between a member and an association in

2463 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the

2464 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are

2465 not eligible for presuit mediation; these disputes must ~~shall~~ be

2466 arbitrated by the department or filed in a court of competent

2467 jurisdiction. At the conclusion of an arbitration ~~the~~

2468 proceeding, the department shall charge the parties a fee in an

2469 amount adequate to cover all costs and expenses incurred by the

2470 department in conducting the proceeding. Initially, the

2471 petitioner shall remit a filing fee of at least \$200 to the

2472 department. The fees paid to the department shall become a

2473 recoverable cost in the arbitration proceeding, and the

2474 prevailing party in an arbitration proceeding shall recover its

2475 reasonable costs and attorney ~~attorney's~~ fees in an amount found  
2476 reasonable by the arbitrator. The department shall adopt rules  
2477 to effectuate the purposes of this section.

2478 Section 26. Section 720.316, Florida Statutes, is amended  
2479 to read:

2480 720.316 Association emergency powers.—

2481 (1) To the extent allowed by law, unless specifically  
2482 prohibited by the declaration or other recorded governing  
2483 documents, and consistent with s. 617.0830, the board of  
2484 directors, in response to damage or injury caused by or  
2485 anticipated in connection with an emergency, as defined in s.  
2486 252.34(4), ~~event~~ for which a state of emergency is declared  
2487 pursuant to s. 252.36 in the area encompassed by the  
2488 association, may exercise the following powers:

2489 (a) Conduct board meetings, committee meetings, elections,  
2490 or membership meetings, in whole or in part, by telephone, real-  
2491 time videoconferencing, or similar real-time electronic or video  
2492 communication after notice of the meetings and board decisions  
2493 is provided in as practicable a manner as possible, including  
2494 via publication, radio, United States mail, the Internet,  
2495 electronic transmission, public service announcements,  
2496 conspicuous posting on the common area ~~association property~~, or  
2497 any other means the board deems appropriate under the  
2498 circumstances. Notice of decisions may also be communicated as  
2499 provided in this paragraph.

- 2500 (b) Cancel and reschedule an association meeting.
- 2501 (c) Designate assistant officers who are not directors. If  
 2502 the executive officer is incapacitated or unavailable, the  
 2503 assistant officer has the same authority during the state of  
 2504 emergency as the executive officer he or she assists.
- 2505 (d) Relocate the association's principal office or  
 2506 designate an alternative principal office.
- 2507 (e) Enter into agreements with counties and municipalities  
 2508 to assist counties and municipalities with debris removal.
- 2509 (f) Implement a disaster or an emergency plan before,  
 2510 during, or ~~immediately~~ following the event for which a state of  
 2511 emergency is declared, which may include, but is not limited to,  
 2512 turning on or shutting off elevators; electricity; water, sewer,  
 2513 or security systems; or air conditioners for association  
 2514 buildings.
- 2515 (g) Based upon the advice of emergency management  
 2516 officials or public health officials, or upon the advice of  
 2517 licensed professionals retained by or otherwise available to the  
 2518 board, determine any portion of the common areas or facilities  
 2519 ~~association property~~ unavailable for entry or occupancy by  
 2520 owners or their family members, tenants, guests, agents, or  
 2521 invitees to protect their health, safety, or welfare.
- 2522 (h) Based upon the advice of emergency management  
 2523 officials or public health officials or upon the advice of  
 2524 licensed professionals retained by or otherwise available to the

2525 board, determine whether the common areas or facilities  
2526 ~~association property~~ can be safely inhabited, accessed, or  
2527 occupied. However, such determination is not conclusive as to  
2528 any determination of habitability pursuant to the declaration.

2529 (i) Mitigate further damage, injury, or contagion,  
2530 including taking action to contract for the removal of debris  
2531 and to prevent or mitigate the spread of fungus, including mold  
2532 or mildew, by removing and disposing of wet drywall, insulation,  
2533 carpet, cabinetry, or other fixtures on or within the common  
2534 areas or facilities or sanitizing the common areas or facilities  
2535 ~~association property~~.

2536 (j) Notwithstanding a provision to the contrary, and  
2537 regardless of whether such authority does not specifically  
2538 appear in the declaration or other recorded governing documents,  
2539 levy special assessments without a vote of the owners.

2540 (k) Without owners' approval, borrow money and pledge  
2541 association assets as collateral to fund emergency repairs and  
2542 carry out the duties of the association if operating funds are  
2543 insufficient. This paragraph does not limit the general  
2544 authority of the association to borrow money, subject to such  
2545 restrictions contained in the declaration or other recorded  
2546 governing documents.

2547 (2) The authority granted under subsection (1) is limited  
2548 to that time reasonably necessary to protect the health, safety,  
2549 and welfare of the association and the parcel owners and their

2550 family members, tenants, guests, agents, or invitees, and to  
2551 mitigate further damage, injury, or contagion and make emergency  
2552 repairs.

2553 (3) Notwithstanding paragraphs (1)(f)-(i), during a state  
2554 of emergency declared by executive order or proclamation of the  
2555 Governor pursuant to s. 252.36, an association may not prohibit  
2556 parcel owners, tenants, guests, agents, or invitees of a parcel  
2557 owner from accessing the common areas and facilities for the  
2558 purposes of ingress to and egress from the parcel when access is  
2559 necessary in connection with:

2560 (a) The sale, lease, or other transfer of title of a  
2561 parcel; or

2562 (b) The habitability of the parcel or for the health and  
2563 safety of such person unless a governmental order or  
2564 determination, or a public health directive from the Centers for  
2565 Disease Control and Prevention, has been issued prohibiting such  
2566 access to the parcel. Any such access is subject to reasonable  
2567 restrictions adopted by the association.

2568 Section 27. This act shall take effect July 1, 2021.