

By Senator Ring

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1 A bill to be entitled
2 An act relating to real and personal property;
3 amending s. 712.05, F.S.; clarifying existing law
4 relating to marketable record title; amending s.
5 718.110, F.S.; providing that an amendment to a
6 declaration related to rental condominium units does
7 not apply to unit owners who vote against the
8 amendment; amending s. 718.111, F.S.; authorizing an
9 association to inspect and repair abandoned
10 condominium units; specifying criteria under which a
11 unit is presumed abandoned; providing a mechanism for
12 an association to recover costs associated with
13 maintaining an abandoned unit; requiring an outgoing
14 condominium association board or committee member to
15 relinquish all official records and property of the
16 association within a specified time; providing a civil
17 penalty for failing to relinquish such records and
18 property; amending s. 718.112, F.S.; providing that a
19 board or committee member's participation in a meeting
20 via real-time videoconferencing or similar electronic
21 or video communication counts toward a quorum and that
22 such member may vote as if physically present;
23 authorizing the board to communicate via e-mail;
24 prohibiting the board from voting via e-mail; amending
25 s. 718.116, F.S.; expanding costs that a unit owner is
26 jointly and severally responsible for paying with the
27 previous owner; providing that the term "previous
28 owner" does not include certain associations; limiting
29 the unit owner's liability for specified costs to

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30 amounts accrued before the association acquired title
31 to the delinquent property; amending s. 718.707, F.S.;
32 extending the date by which a parcel must be acquired
33 in order for a person to be classified as a bulk
34 assignee or bulk buyer; amending s. 719.104, F.S.;
35 requiring an outgoing cooperative association board or
36 committee member to relinquish all official records
37 and property of the association within a specified
38 time; providing a civil penalty for failing to
39 relinquish such records and property; providing dates
40 by which financial reports for an association must be
41 completed; specifying that members must receive copies
42 of financial reports; requiring specific types of
43 financial statements for associations of varying
44 sizes; providing exceptions; providing a mechanism for
45 waiving or increasing financial reporting
46 requirements; amending s. 719.106, F.S.; providing
47 that certain persons are ineligible for board
48 membership; suspending a director or officer from
49 office if he or she is charged with a specified
50 felony; providing procedures for filling such vacancy
51 or for reinstating a member under certain
52 circumstances; providing a mechanism to allow a person
53 convicted of a felony to be eligible for board
54 membership; requiring the notice of a board meeting to
55 specify all agenda items; requiring the board to place
56 an item on the agenda if a specified number of voting
57 interests petition the board; amending s. 719.108,
58 F.S.; expanding costs that a unit owner is jointly and

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59 severally responsible for paying with the previous
60 owner; providing that the term "previous owner" does
61 not include certain associations; limiting the unit
62 owner's liability for specified costs to amounts
63 accrued before the association acquired title to the
64 delinquent property; creating s. 719.128, F.S.;

65 providing emergency powers of a cooperative
66 association; amending s. 720.3085, F.S.; expanding
67 costs that a parcel owner is jointly and severally
68 responsible for paying with the previous owner;
69 limiting the parcel owner's liability for specified
70 costs to amounts accrued before the association
71 acquired title to the delinquent property; creating s.
72 720.316, F.S.; providing emergency powers of a
73 homeowners' association; providing an effective date.

74

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

76

77 Section 1. Subsection (1) of section 712.05, Florida
78 Statutes, is amended to read:

79 712.05 Effect of filing notice.—

80 (1) A ~~Any~~ person claiming an interest in land or a
81 homeowners' association desiring to preserve a a ~~any~~ covenant or
82 restriction may preserve and protect the same from
83 extinguishment by the operation of this act by filing for
84 record, during the 30-year period immediately following the
85 effective date of the root of title, a written notice, ~~in~~
86 ~~writing~~, in accordance with this chapter. ~~Such the provisions~~
87 ~~hereof, which notice preserves shall have the effect of so~~

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88 ~~preserving~~ such claim of right or such covenant or restriction
89 or portion of such covenant or restriction for up to a period of
90 ~~not longer than~~ 30 years after filing the notice same unless the
91 notice is filed again ~~filed~~ as required in this chapter herein.
92 A person's ~~No~~ disability or lack of knowledge of any kind may
93 not on the part of anyone shall delay the commencement of or
94 suspend the running of the said 30-year period. Such notice may
95 be filed for record by the claimant or by any other person
96 acting on behalf of a any claimant who is:

97 (a) Under a disability;;

98 (b) Unable to assert a claim on his or her behalf;; or

99 (c) One of a class, but whose identity cannot be

100 established or is uncertain at the time of filing such notice of
101 claim for record.

102

103 Such notice may be filed by a homeowners' association only if
104 the preservation of such covenant or restriction or portion of
105 such covenant or restriction is approved by at least two-thirds
106 of the members of the board of directors of an incorporated
107 homeowners' association at a meeting for which a notice, stating
108 the meeting's time and place and containing the statement of
109 marketable title action described in s. 712.06(1)(b), was mailed
110 or hand delivered to members of the homeowners' association at
111 least not less than 7 days before ~~prior to~~ such meeting. The
112 homeowners' association or clerk of the circuit court is not
113 required to provide notice other than as provided under s.
114 712.06(3). The preceding sentence is intended to clarify
115 existing law.

116 Section 2. Subsection (13) of section 718.110, Florida

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117 Statutes, is amended to read:

118 718.110 Amendment of declaration; correction of error or
119 omission in declaration by circuit court.—

120 (13) An amendment that prohibits ~~prohibiting~~ unit owners
121 from renting their units or altering the duration of the rental
122 term or that specifies or limits ~~specifying or limiting~~ the
123 number of times unit owners are entitled to rent their units
124 during a specified period does not apply ~~applies only~~ to unit
125 owners who voted against ~~consent to~~ the amendment. However, such
126 amendment applies to unit owners who consented to the amendment,
127 who failed to cast a vote, or ~~and unit owners~~ who acquired
128 ~~acquire~~ title to their units after the effective date of the
129 ~~that~~ amendment.

130 Section 3. Subsection (5) of section 718.111, Florida
131 Statutes, is amended, and paragraph (f) is added to subsection
132 (12) of that section, to read:

133 718.111 The association.—

134 (5) (a) RIGHT OF ACCESS TO UNITS.—The association has the
135 irrevocable right of access to each unit during reasonable
136 hours, when necessary for the maintenance, repair, or
137 replacement of any common elements or of any portion of a unit
138 to be maintained by the association pursuant to the declaration
139 or as necessary to prevent damage to the common elements or to a
140 unit or units.

141 (b)1. Notwithstanding paragraph (a), and regardless of
142 whether authority is provided in the declaration or other
143 recorded governing documents, an association, at the sole
144 discretion of the board, may enter an abandoned unit to inspect
145 the unit and adjoining common elements; make repairs to the unit

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146 or to the common elements serving the unit, as needed; repair
147 the unit if mold or deterioration is present; turn on the power
148 for the unit; or otherwise maintain, preserve, or protect the
149 unit and adjoining common elements. For purposes of this
150 paragraph, a unit is presumed to be abandoned if:

151 a. The unit is the subject of a foreclosure action and no
152 tenant appears to have resided in the unit for at least 4
153 continuous weeks without prior written notice to the
154 association; or

155 b. No tenant appears to have resided in the unit for 2
156 consecutive months without prior written notice to the
157 association, and the association is unable to contact the owner
158 or determine the whereabouts of the owner after reasonable
159 inquiry.

160 2. Except in the case of an emergency, an association may
161 not enter an abandoned unit until 48 hours after notice of the
162 association's intent to enter the unit has been delivered to the
163 owner at the address of the owner as reflected in the records of
164 the association.

165 3. Any expense incurred by an association pursuant to this
166 paragraph is chargeable to the unit owner and enforceable as an
167 assessment pursuant to s. 718.116, and the association may use
168 its lien authority provided under s. 718.116 to enforce
169 collection of the expense.

170 4. The association may petition a court of competent
171 jurisdiction to appoint a receiver and may lease out an
172 abandoned unit for the benefit of the association to offset
173 against the rental income, the association's costs and expenses
174 of maintaining, preserving, and protecting the unit and the

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175 adjoining common elements, including the costs of the
176 receivership and all unpaid assessments, interest,
177 administrative late fees, costs, and reasonable attorney fees.

178 (12) OFFICIAL RECORDS.—

179 (f) An outgoing board or committee member must relinquish
180 all official records and property of the association in his or
181 her possession or under his or her control to the incoming board
182 within 5 days after the election. An outgoing board or committee
183 member who fails to relinquish such records and property is
184 personally subject to a civil penalty pursuant to s.
185 718.501(1)(d).

186 Section 4. Paragraphs (b) and (c) of subsection (2) of
187 section 718.112, Florida Statutes, are amended to read:

188 718.112 Bylaws.—

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

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

193 1. Unless a lower number is provided in the bylaws, the
194 percentage of voting interests required to constitute a quorum
195 at a meeting of the members is a majority of the voting
196 interests. Unless otherwise provided in this chapter or in the
197 declaration, articles of incorporation, or bylaws, and except as
198 provided in subparagraph (d)4., decisions shall be made by a
199 majority of the voting interests represented at a meeting at
200 which a quorum is present.

201 2. Except as specifically otherwise provided herein, unit
202 owners may not vote by general proxy, but may vote by limited
203 proxies substantially conforming to a limited proxy form adopted

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204 by the division. A voting interest or consent right allocated to
205 a unit owned by the association may not be exercised or
206 considered for any purpose, whether for a quorum, an election,
207 or otherwise. Limited proxies and general proxies may be used to
208 establish a quorum. Limited proxies shall be used for votes
209 taken to waive or reduce reserves in accordance with
210 subparagraph (f)2.; for votes taken to waive the financial
211 reporting requirements of s. 718.111(13); for votes taken to
212 amend the declaration pursuant to s. 718.110; for votes taken to
213 amend the articles of incorporation or bylaws pursuant to this
214 section; and for any other matter for which this chapter
215 requires or permits a vote of the unit owners. Except as
216 provided in paragraph (d), a proxy, limited or general, may not
217 be used in the election of board members. General proxies may be
218 used for other matters for which limited proxies are not
219 required, and may be used in voting for nonsubstantive changes
220 to items for which a limited proxy is required and given.
221 Notwithstanding this subparagraph, unit owners may vote in
222 person at unit owner meetings. This subparagraph does not limit
223 the use of general proxies or require the use of limited proxies
224 for any agenda item or election at any meeting of a timeshare
225 condominium association.

226 3. Any proxy given is effective only for the specific
227 meeting for which originally given and any lawfully adjourned
228 meetings thereof. A proxy is not valid longer than 90 days after
229 the date of the first meeting for which it was given and may be
230 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of
231 the unit owner executing it.

232 4. A member of the board of administration or a committee

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233 may submit in writing his or her agreement or disagreement with
234 any action taken at a meeting that the member did not attend.
235 This agreement or disagreement may not be used as a vote for or
236 against the action taken or to create a quorum.

237 5. A ~~If any of the board or committee member's~~
238 participation in a meeting via telephone, real-time
239 videoconferencing, or similar real-time electronic or video
240 communication counts toward a quorum, and such member may vote
241 as if physically present ~~members meet by telephone conference,~~
242 ~~those board or committee members may be counted toward obtaining~~
243 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
244 used so that the conversation of such ~~those~~ members may be heard
245 by the board or committee members attending in person as well as
246 by any unit owners present at a meeting.

247 (c) *Board of administration meetings.*—Meetings of the board
248 of administration at which a quorum of the members is present
249 are open to all unit owners. A member may use e-mail as a means
250 of communication but may not cast a vote on an association
251 matter via e-mail. A unit owner may tape record or videotape the
252 meetings. The right to attend such meetings includes the right
253 to speak at such meetings with reference to all designated
254 agenda items. The division shall adopt reasonable rules
255 governing the tape recording and videotaping of the meeting. The
256 association may adopt written reasonable rules governing the
257 frequency, duration, and manner of unit owner statements.

258 1. Adequate notice of all board meetings, which must
259 specifically identify all agenda items, must be posted
260 conspicuously on the condominium property at least 48 continuous
261 hours before the meeting except in an emergency. If 20 percent

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262 of the voting interests petition the board to address an item of
263 business, the board, within 60 days after receipt of the
264 petition, shall place the item on the agenda at its next regular
265 board meeting or at a special meeting called for that purpose ~~of~~
266 ~~the board, but not later than 60 days after the receipt of the~~
267 ~~petition, shall place the item on the agenda.~~ An Any item not
268 included on the notice may be taken up on an emergency basis by
269 a vote of at least a majority plus one of the board members.
270 Such emergency action must be noticed and ratified at the next
271 regular board meeting. However, written notice of a ~~any~~ meeting
272 at which a nonemergency special assessment ~~assessments,~~ or an ~~at~~
273 ~~which~~ amendment to rules regarding unit use, will be considered
274 must be mailed, delivered, or electronically transmitted to the
275 unit owners and posted conspicuously on the condominium property
276 at least 14 days before the meeting. Evidence of compliance with
277 this 14-day notice requirement must be made by an affidavit
278 executed by the person providing the notice and filed with the
279 official records of the association. Upon notice to the unit
280 owners, the board shall, by duly adopted rule, designate a
281 specific location on the condominium or association property
282 where all notices of board meetings must ~~are to~~ be posted. If
283 there is no condominium property or association property where
284 notices can be posted, notices shall be mailed, delivered, or
285 electronically transmitted to each unit owner at least 14 days
286 before the meeting ~~to the owner of each unit~~. In lieu of or in
287 addition to the physical posting of the notice on the
288 condominium property, the association may, by reasonable rule,
289 adopt a procedure for conspicuously posting and repeatedly
290 broadcasting the notice and the agenda on a closed-circuit cable

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291 television system serving the condominium association. However,
292 if broadcast notice is used in lieu of a notice physically
293 posted on condominium property, the notice and agenda must be
294 broadcast at least four times every broadcast hour of each day
295 that a posted notice is otherwise required under this section.
296 If broadcast notice is provided, the notice and agenda must be
297 broadcast in a manner and for a sufficient continuous length of
298 time so as to allow an average reader to observe the notice and
299 read and comprehend the entire content of the notice and the
300 agenda. Notice of any meeting in which regular or special
301 assessments against unit owners are to be considered ~~for any~~
302 ~~reason~~ must specifically state that assessments will be
303 considered and provide the nature, estimated cost, and
304 description of the purposes for such assessments.

305 2. Meetings of a committee to take final action on behalf
306 of the board or make recommendations to the board regarding the
307 association budget are subject to this paragraph. Meetings of a
308 committee that does not take final action on behalf of the board
309 or make recommendations to the board regarding the association
310 budget are subject to this section, unless those meetings are
311 exempted from this section by the bylaws of the association.

312 3. Notwithstanding any other law, the requirement that
313 board meetings and committee meetings be open to the unit owners
314 does not apply to:

315 a. Meetings between the board or a committee and the
316 association's attorney, with respect to proposed or pending
317 litigation, if the meeting is held for the purpose of seeking or
318 rendering legal advice; or

319 b. Board meetings held for the purpose of discussing

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320 personnel matters.

321 Section 5. Paragraph (a) of subsection (1) of section
322 718.116, Florida Statutes, is amended to read:

323 718.116 Assessments; liability; lien and priority;
324 interest; collection.-

325 (1) (a) A unit owner, regardless of how his or her title has
326 been acquired, including by purchase at a foreclosure sale or by
327 deed in lieu of foreclosure, is liable for all assessments that
328 ~~which~~ come due while he or she is the unit owner. Additionally,
329 a unit owner is jointly and severally liable with the previous
330 owner for all unpaid assessments that came due up to the time of
331 transfer of title, as well as interest, late charges, and
332 reasonable costs and attorney fees incurred by the association
333 incident to the collection process. This liability is without
334 prejudice to any right the owner may have to recover from the
335 previous owner the amounts paid by the owner. For the purposes
336 of this paragraph, the term "previous owner" does not include an
337 association that acquires title to a delinquent property through
338 foreclosure or by deed in lieu of foreclosure. The present unit
339 owner's liability for unpaid assessments, interest, late
340 charges, and reasonable costs and attorney fees incurred by the
341 association incident to the collection process is limited to the
342 amounts that accrued before the association acquired title to
343 the delinquent property through foreclosure or by deed in lieu
344 of foreclosure.

345 Section 6. Section 718.707, Florida Statutes, is amended to
346 read:

347 718.707 Time limitation for classification as bulk assignee
348 or bulk buyer.-A person acquiring condominium parcels may not be

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349 classified as a bulk assignee or bulk buyer unless the
350 condominium parcels were acquired on or after July 1, 2010, but
351 before July 1, 2016 ~~2015~~. The date of such acquisition shall be
352 determined by the date of recording a deed or other instrument
353 of conveyance for such parcels in the public records of the
354 county in which the condominium is located, or by the date of
355 issuing a certificate of title in a foreclosure proceeding with
356 respect to such condominium parcels.

357 Section 7. Paragraph (e) is added to subsection (2) of
358 section 719.104, Florida Statutes, and subsection (4) of that
359 section is amended, to read:

360 719.104 Cooperatives; access to units; records; financial
361 reports; assessments; purchase of leases.—

362 (2) OFFICIAL RECORDS.—

363 (e) An outgoing board or committee member must relinquish
364 all official records and property of the association in his or
365 her possession or under his or her control to the incoming board
366 within 5 days after the election. The Division of Florida
367 Condominiums, Timeshares, and Mobile Homes shall impose a civil
368 penalty as set forth in s. 719.501(1)(d) against an outgoing
369 board or committee member who willfully and knowingly fails to
370 relinquish such records and property.

371 (4) FINANCIAL REPORT.—

372 (a) Within 90 ~~60~~ days after ~~following~~ the end of the fiscal
373 or calendar year or annually on such date as ~~is otherwise~~
374 provided in the bylaws of the association, the board of
375 administration ~~of the association~~ shall prepare and complete, or
376 contract with a third party to prepare and complete, a financial
377 report covering the preceding fiscal or calendar year. Within 21

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378 days after the financial report is completed by the association
379 or received from the third party, but no later than 120 days
380 after the end of the fiscal year, calendar year, or other date
381 provided in the bylaws, the association shall provide each
382 member with a copy of the annual financial report or a written
383 notice that a copy of the financial report is available upon
384 request at no charge to the member. The division shall adopt
385 rules setting forth uniform accounting principles, standards,
386 and reporting requirements ~~mail or furnish by personal delivery~~
387 ~~to each unit owner a complete financial report of actual~~
388 ~~receipts and expenditures for the previous 12 months, or a~~
389 ~~complete set of financial statements for the preceding fiscal~~
390 ~~year prepared in accordance with generally accepted accounting~~
391 ~~procedures. The report shall show the amounts of receipts by~~
392 ~~accounts and receipt classifications and shall show the amounts~~
393 ~~of expenses by accounts and expense classifications including,~~
394 ~~if applicable, but not limited to, the following:~~

- 395 ~~1. Costs for security;~~
- 396 ~~2. Professional and management fees and expenses;~~
- 397 ~~3. Taxes;~~
- 398 ~~4. Costs for recreation facilities;~~
- 399 ~~5. Expenses for refuse collection and utility services;~~
- 400 ~~6. Expenses for lawn care;~~
- 401 ~~7. Costs for building maintenance and repair;~~
- 402 ~~8. Insurance costs;~~
- 403 ~~9. Administrative and salary expenses; and~~
- 404 ~~10. Reserves for capital expenditures, deferred~~

405 ~~maintenance, and any other category for which the association~~
406 ~~maintains a reserve account or accounts.~~

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407 (b) Except as set forth in paragraph (c), an association
408 whose total annual revenues meet the criteria of this paragraph
409 shall prepare or cause to be prepared a complete set of
410 financial statements according to the generally accepted
411 accounting principles adopted by the Board of Accountancy. The
412 financial statements shall be as follows:

413 1. An association with total annual revenues of between
414 \$150,000 and \$299,999 shall prepare a compiled financial
415 statement.

416 2. An association with total annual revenues of between
417 \$300,000 and \$499,999 shall prepare a reviewed financial
418 statement.

419 3. An association with total annual revenues of \$500,000 or
420 more shall prepare an audited financial statement ~~The division~~
421 ~~shall adopt rules that may require that the association deliver~~
422 ~~to the unit owners, in lieu of the financial report required by~~
423 ~~this section, a complete set of financial statements for the~~
424 ~~preceding fiscal year. The financial statements shall be~~
425 ~~delivered within 90 days following the end of the previous~~
426 ~~fiscal year or annually on such other date as provided in the~~
427 ~~bylaws. The rules of the division may require that the financial~~
428 ~~statements be compiled, reviewed, or audited, and the rules~~
429 ~~shall take into consideration the criteria set forth in s.~~
430 ~~719.501(1)(j).~~

431 4. The requirement to have the financial statements
432 compiled, reviewed, or audited does not apply to an association
433 ~~associations~~ if a majority of the voting interests of the
434 association present at a duly called meeting of the association
435 have voted ~~determined for a fiscal year~~ to waive this

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436 requirement for the fiscal year. In an association in which
437 turnover of control by the developer has not occurred, the
438 developer may vote to waive the audit requirement for the first
439 2 years of ~~the~~ operation of the association, after which time
440 waiver of an applicable audit requirement shall be by a majority
441 of voting interests other than the developer. The meeting shall
442 be held before ~~prior to~~ the end of the fiscal year, and the
443 waiver may ~~shall~~ be effective for only one fiscal year. An
444 association may not waive the financial reporting requirements
445 of this section for more than 3 consecutive years ~~This~~
446 ~~subsection does not apply to a cooperative that consists of 50~~
447 ~~or fewer units.~~

448 (c)1. An association with total annual revenues of less
449 than \$150,000 shall prepare a report of cash receipts and
450 expenditures.

451 2. An association in a community of fewer than 50 units,
452 regardless of the association's annual revenues, shall prepare a
453 report of cash receipts and expenditures in lieu of the
454 financial statements required in paragraph (b) unless the
455 declaration or other recorded governing documents provide
456 otherwise.

457 3. A report of cash receipts and disbursements must
458 disclose the amount of receipts by accounts and receipt
459 classifications and the amount of expenses by accounts and
460 expense classifications, including, as applicable, security,
461 professional, and management fees and expenses; taxes; costs for
462 recreation facilities; expenses for refuse collection and
463 utility services; expenses for lawn care; costs of building
464 maintenance and repair; insurance costs; administration and

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465 salary expenses; and reserves, if maintained by the association.

466 (d) If at least 20 percent of the unit owners petition the
467 board for a greater level of financial reporting than that
468 required under this section, the association shall duly notice
469 and hold a meeting of members within 30 days after receipt of
470 the petition to vote on raising the level of reporting for that
471 fiscal year. Upon approval of a majority of the voting interests
472 represented at a meeting at which a quorum of unit owners is
473 present, the association shall prepare an amended budget or
474 shall adopt a special assessment to pay for the financial report
475 regardless of any provision to the contrary in the declaration
476 or other recorded governing documents. In addition, the
477 association shall provide within 90 days of the meeting or the
478 end of the fiscal year, whichever occurs later:

479 1. Compiled, reviewed, or audited financial statements, if
480 the association is otherwise required to prepare a report of
481 cash receipts and expenditures;

482 2. Reviewed or audited financial statements, if the
483 association is otherwise required to prepare compiled financial
484 statements; or

485 3. Audited financial statements if the association is
486 otherwise required to prepare reviewed financial statements.

487 (e) If approved by a majority of the voting interests
488 present at a properly called meeting of the association, an
489 association may prepare or cause to be prepared:

490 1. A report of cash receipts and expenditures in lieu of a
491 compiled, reviewed, or audited financial statement;

492 2. A report of cash receipts and expenditures or a compiled
493 financial statement in lieu of a reviewed or audited financial

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494 statement; or

495 3. A report of cash receipts and expenditures, a compiled
496 financial statement, or a reviewed financial statement in lieu
497 of an audited financial statement.

498 Section 8. Paragraphs (a), (c), and (d) of subsection (1)
499 of section 719.106, Florida Statutes, are amended to read:

500 719.106 Bylaws; cooperative ownership.-

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

504 (a) *Administration.*—

505 1. The form of administration of the association shall be
506 described, indicating the titles of the officers and board of
507 administration and specifying the powers, duties, manner of
508 selection and removal, and compensation, if any, of officers and
509 board members. In the absence of such a provision, the board of
510 administration shall be composed of five members, except that in
511 the case of cooperatives having five or fewer units, in which
512 case in not-for-profit corporations, the board shall consist of
513 at least ~~not fewer than~~ three members. In the absence of
514 provisions to the contrary, the board of administration shall
515 have a president, a secretary, and a treasurer, who shall
516 perform the duties of those offices customarily performed by
517 officers of corporations. Unless prohibited in the bylaws, the
518 board of administration may appoint other officers and grant
519 them those duties it deems appropriate. Unless otherwise
520 provided in the bylaws, the officers shall serve without
521 compensation and at the pleasure of the board. Unless otherwise
522 provided in the bylaws, the members of the board shall serve

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523 without compensation.

524 2. A person who has been suspended or removed by the
525 division under this chapter, or who is delinquent in the payment
526 of any monetary obligation due the association, is not eligible
527 to be a candidate for board membership and may not be listed on
528 the ballot. A director or officer charged by information or
529 indictment with a felony theft or embezzlement offense involving
530 the association's funds or property is suspended from office.
531 The board shall fill the vacancy according to general law until
532 the end of the period of the suspension or the end of the
533 director's term of office, whichever occurs first. However, if
534 the charges are resolved without a finding of guilt or without
535 acceptance of a plea of guilty or nolo contendere, the director
536 or officer shall be reinstated for any remainder of his or her
537 term of office. A member who has such criminal charges pending
538 may not be appointed or elected to a position as a director or
539 officer. A person who has been convicted of any felony in this
540 state or in a United States District or Territorial Court, or
541 who has been convicted of any offense in another jurisdiction
542 which would be considered a felony if committed in this state,
543 is not eligible for board membership unless such felon's civil
544 rights have been restored for at least 5 years as of the date
545 such person seeks election to the board. The validity of an
546 action by the board is not affected if it is later determined
547 that a board member is ineligible for board membership due to
548 having been convicted of a felony.

549 3.2- When a unit owner files a written inquiry by certified
550 mail with the board of administration, the board shall respond
551 in writing to the unit owner within 30 days of receipt of the

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552 inquiry. The board's response shall ~~either~~ give a substantive
553 response to the inquirer, notify the inquirer that a legal
554 opinion has been requested, or notify the inquirer that advice
555 has been requested from the division. If the board requests
556 advice from the division, the board shall, within 10 days after
557 ~~of~~ its receipt of the advice, provide in writing a substantive
558 response to the inquirer. If a legal opinion is requested, the
559 board shall, within 60 days after the receipt of the inquiry,
560 provide in writing a substantive response to the inquirer. The
561 failure to provide a substantive response to the inquirer as
562 provided herein precludes the board from recovering attorney
563 ~~attorney's~~ fees and costs in any subsequent litigation,
564 administrative proceeding, or arbitration arising out of the
565 inquiry. The association may, through its board of
566 administration, adopt reasonable rules and regulations regarding
567 the frequency and manner of responding to the unit owners'
568 inquiries, one of which may be that the association is obligated
569 to respond to only one written inquiry per unit in any given 30-
570 day period. In such case, any additional ~~inquiry or~~ inquiries
571 must be responded to in the subsequent 30-day period, or
572 periods, as applicable.

573 (c) *Board of administration meetings.*—Meetings of the board
574 of administration at which a quorum of the members is present
575 must ~~shall~~ be open to all unit owners. Any unit owner may tape
576 record or videotape meetings of the board of administration. The
577 right to attend such meetings includes the right to speak at
578 such meetings with reference to all designated agenda items. The
579 division shall adopt reasonable rules governing the tape
580 recording and videotaping of the meeting. The association may

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581 adopt reasonable written rules governing the frequency,
582 duration, and manner of unit owner statements. Adequate notice
583 of all board meetings, which notice must specifically identify
584 all agenda items, shall be posted in a conspicuous place upon
585 the cooperative property at least 48 continuous hours preceding
586 the meeting, except in an emergency. If 20 percent of the voting
587 interests petition the board to address an item of business, the
588 board shall place the item on the agenda at its next regular
589 board meeting or at a special meeting of the board, but no later
590 than 60 days after the petition is received. Any item not
591 included on the notice may be taken up on an emergency basis by
592 at least a majority plus one of the members of the board. Such
593 emergency action shall be noticed and ratified at the next
594 regular meeting of the board. However, written notice of any
595 meeting at which nonemergency special assessments, or at which
596 amendment to rules regarding unit use, will be considered shall
597 be mailed, delivered, or electronically transmitted to the unit
598 owners and posted conspicuously on the cooperative property at
599 least ~~not less than~~ 14 days before the meeting. Evidence of
600 compliance with this 14-day notice shall be made by an affidavit
601 executed by the person providing the notice and filed among the
602 official records of the association. Upon notice to the unit
603 owners, the board shall by duly adopted rule designate a
604 specific location on the cooperative property upon which all
605 notices of board meetings shall be posted. In lieu of or in
606 addition to the physical posting of notice of any meeting of the
607 board of administration on the cooperative property, the
608 association may, by reasonable rule, adopt a procedure for
609 conspicuously posting and repeatedly broadcasting the notice and

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610 the agenda on a closed-circuit cable television system serving
611 the cooperative association. However, if broadcast notice is
612 used in lieu of a notice posted physically on the cooperative
613 property, the notice and agenda must be broadcast at least four
614 times every broadcast hour of each day that a posted notice is
615 otherwise required under this section. When broadcast notice is
616 provided, the notice and agenda must be broadcast in a manner
617 and for a sufficient continuous length of time so as to allow an
618 average reader to observe the notice and read and comprehend the
619 entire content of the notice and the agenda. Notice of any
620 meeting in which regular assessments against unit owners are to
621 be considered for any reason shall specifically contain a
622 statement that assessments will be considered and the nature of
623 any such assessments. Meetings of a committee to take final
624 action on behalf of the board or to make recommendations to the
625 board regarding the association budget are subject to ~~the~~
626 ~~provisions of~~ this paragraph. Meetings of a committee that does
627 not take final action on behalf of the board or make
628 recommendations to the board regarding the association budget
629 are subject to ~~the provisions of~~ this section, unless those
630 meetings are exempted from this section by the bylaws of the
631 association. Notwithstanding any ~~other~~ law to the contrary, the
632 requirement that board meetings and committee meetings be open
633 to the unit owners does not apply to board or committee meetings
634 held for the purpose of discussing personnel matters or meetings
635 between the board or a committee and the association's attorney,
636 with respect to proposed or pending litigation, if the meeting
637 is held for the purpose of seeking or rendering legal advice.

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

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639 of the shareholders. All members of the board of administration
640 shall be elected at the annual meeting unless the bylaws provide
641 for staggered election terms or for their election at another
642 meeting. Any unit owner desiring to be a candidate for board
643 membership must comply with subparagraph 1. The bylaws must
644 provide the method for calling meetings, including annual
645 meetings. Written notice, which must incorporate an
646 identification of agenda items, shall be given to each unit
647 owner at least 14 days before the annual meeting and posted in a
648 conspicuous place on the cooperative property at least 14
649 continuous days preceding the annual meeting. Upon notice to the
650 unit owners, the board must by duly adopted rule designate a
651 specific location on the cooperative property upon which all
652 notice of unit owner meetings are posted. In lieu of or in
653 addition to the physical posting of the meeting notice, the
654 association may, by reasonable rule, adopt a procedure for
655 conspicuously posting and repeatedly broadcasting the notice and
656 the agenda on a closed-circuit cable television system serving
657 the cooperative association. However, if broadcast notice is
658 used in lieu of a posted notice, the notice and agenda must be
659 broadcast at least four times every broadcast hour of each day
660 that a posted notice is otherwise required under this section.
661 If broadcast notice is provided, the notice and agenda must be
662 broadcast in a manner and for a sufficient continuous length of
663 time to allow an average reader to observe the notice and read
664 and comprehend the entire content of the notice and the agenda.
665 Unless a unit owner waives in writing the right to receive
666 notice of the annual meeting, the notice of the annual meeting
667 must be sent by mail, hand delivered, or electronically

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668 transmitted to each unit owner. An officer of the association
669 must provide an affidavit or United States Postal Service
670 certificate of mailing, to be included in the official records
671 of the association, affirming that notices of the association
672 meeting were mailed, hand delivered, or electronically
673 transmitted, in accordance with this provision, to each unit
674 owner at the address last furnished to the association.

675 1. The board of administration shall be elected by written
676 ballot or voting machine. A proxy may not be used in electing
677 the board of administration in general elections or elections to
678 fill vacancies caused by recall, resignation, or otherwise
679 unless otherwise provided in this chapter.

680 a. At least 60 days before a scheduled election, the
681 association shall mail, deliver, or transmit, whether by
682 separate association mailing, delivery, or electronic
683 transmission or included in another association mailing,
684 delivery, or electronic transmission, including regularly
685 published newsletters, to each unit owner entitled to vote, a
686 first notice of the date of the election. Any unit owner or
687 other eligible person desiring to be a candidate for the board
688 of administration must give written notice to the association at
689 least 40 days before a scheduled election. Together with the
690 written notice and agenda as set forth in this section, the
691 association shall mail, deliver, or electronically transmit a
692 second notice of election to all unit owners entitled to vote,
693 together with a ballot that lists all candidates. Upon request
694 of a candidate, the association shall include an information
695 sheet, no larger than 8 1/2 inches by 11 inches, which must be
696 furnished by the candidate at least 35 days before the election,

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697 to be included with the mailing, delivery, or electronic
698 transmission of the ballot, with the costs of mailing, delivery,
699 or transmission and copying to be borne by the association. The
700 association is not liable for the contents of the information
701 sheets provided by the candidates. In order to reduce costs, the
702 association may print or duplicate the information sheets on
703 both sides of the paper. The division shall by rule establish
704 voting procedures consistent with this subparagraph, including
705 rules establishing procedures for giving notice by electronic
706 transmission and rules providing for the secrecy of ballots.
707 Elections shall be decided by a plurality of those ballots cast.
708 There is no quorum requirement. However, at least 20 percent of
709 the eligible voters must cast a ballot in order to have a valid
710 election. A unit owner may not permit any other person to vote
711 his or her ballot, and any such ballots improperly cast are
712 invalid. A unit owner who needs assistance in casting the ballot
713 for the reasons stated in s. 101.051 may obtain assistance in
714 casting the ballot. Any unit owner violating this provision may
715 be fined by the association in accordance with s. 719.303. The
716 regular election must occur on the date of the annual meeting.
717 This subparagraph does not apply to timeshare cooperatives.
718 Notwithstanding this subparagraph, an election and balloting are
719 not required unless more candidates file a notice of intent to
720 run or are nominated than vacancies exist on the board. Any
721 challenge to the election process must be commenced within 60
722 days after the election results are announced.

723 b. Within 90 days after being elected or appointed to the
724 board, each new director shall certify in writing to the
725 secretary of the association that he or she has read the

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726 association's bylaws, articles of incorporation, proprietary
727 lease, and current written policies; that he or she will work to
728 uphold such documents and policies to the best of his or her
729 ability; and that he or she will faithfully discharge his or her
730 fiduciary responsibility to the association's members. Within 90
731 days after being elected or appointed to the board, in lieu of
732 this written certification, the newly elected or appointed
733 director may submit a certificate of having satisfactorily
734 completed the educational curriculum administered by an
735 education provider as approved by the division pursuant to the
736 requirements established in chapter 718 within 1 year before or
737 90 days after the date of election or appointment. The
738 educational certificate is valid and does not have to be
739 resubmitted as long as the director serves on the board without
740 interruption. A director who fails to timely file the written
741 certification or educational certificate is suspended from
742 service on the board until he or she complies with this sub-
743 subparagraph. The board may temporarily fill the vacancy during
744 the period of suspension. The secretary of the association shall
745 cause the association to retain a director's written
746 certification or educational certificate for inspection by the
747 members for 5 years after a director's election or the duration
748 of the director's uninterrupted tenure, whichever is longer.
749 Failure to have such written certification or educational
750 certificate on file does not affect the validity of any board
751 action.

752 2. Any approval by unit owners called for by this chapter,
753 or the applicable cooperative documents, must be made at a duly
754 noticed meeting of unit owners and is subject to this chapter or

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755 the applicable cooperative documents relating to unit owner
756 decisionmaking, except that unit owners may take action by
757 written agreement, without meetings, on matters for which action
758 by written agreement without meetings is expressly allowed by
759 the applicable cooperative documents or law that ~~which~~ provides
760 for the unit owner action.

761 3. Unit owners may waive notice of specific meetings if
762 allowed by the applicable cooperative documents or law. If
763 authorized by the bylaws, notice of meetings of the board of
764 administration, shareholder meetings, except shareholder
765 meetings called to recall board members under paragraph (f), and
766 committee meetings may be given by electronic transmission to
767 unit owners who consent to receive notice by electronic
768 transmission.

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

773 5. Any unit owner may tape record or videotape meetings of
774 the unit owners subject to reasonable rules adopted by the
775 division.

776 6. Unless otherwise provided in the bylaws, a vacancy
777 occurring on the board before the expiration of a term may be
778 filled by the affirmative vote of the majority of the remaining
779 directors, even if the remaining directors constitute less than
780 a quorum, or by the sole remaining director. In the alternative,
781 a board may hold an election to fill the vacancy, in which case
782 the election procedures must conform to the requirements of
783 subparagraph 1. unless the association has opted out of the

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784 statutory election process, in which case the bylaws of the
785 association control. Unless otherwise provided in the bylaws,
786 the term of a board member appointed or elected under this
787 subparagraph expires at the next annual meeting at which
788 directors are elected ~~shall fill the vacancy for the unexpired~~
789 ~~term of the seat being filled~~. Filling vacancies created by
790 recall is governed by paragraph (f) and rules adopted by the
791 division.

792
793 Notwithstanding subparagraphs (b)2. and (d)1., an association
794 may, by the affirmative vote of a majority of the total voting
795 interests, provide for a different voting and election procedure
796 in its bylaws, which vote may be by a proxy specifically
797 delineating the different voting and election procedures. The
798 different voting and election procedures may provide for
799 elections to be conducted by limited or general proxy.

800 Section 9. Subsections (1), (3), (4), and (9) of section
801 719.108, Florida Statutes, are amended to read:

802 719.108 Rents and assessments; liability; lien and
803 priority; interest; collection; cooperative ownership.—

804 (1) A unit owner, regardless of how his or her title has
805 been is acquired, including by purchase, ~~without limitation, a~~
806 ~~purchaser~~ at a foreclosure judicial sale or by deed in lieu of
807 foreclosure, is ~~shall be~~ liable for all ~~rents and~~ assessments
808 that come coming due while he or she is the unit owner ~~is in~~
809 ~~exclusive possession of a unit~~. Additionally, a ~~In a voluntary~~
810 ~~transfer, the unit owner is in exclusive possession shall be~~
811 jointly and severally liable with the previous ~~unit~~ owner for
812 all unpaid ~~rents and~~ assessments that came due ~~against the~~

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813 ~~previous unit owner for his or her share of the common expenses~~
814 ~~up to the time of the transfer, as well as interest, late~~
815 ~~charges, and reasonable costs and attorney fees incurred by the~~
816 ~~association incident to the collection process. This liability~~
817 ~~is without prejudice to any right the rights of the unit owner~~
818 ~~may have in exclusive possession to recover from the previous~~
819 ~~unit owner the amounts paid by the unit owner in exclusive~~
820 ~~possession therefor. For purposes of this subsection, the term~~
821 ~~"previous owner" does not include an association that acquires~~
822 ~~title to a delinquent property through foreclosure or by deed in~~
823 ~~lieu of foreclosure. The present unit owner's liability for~~
824 ~~unpaid assessments, interest, late charges, and reasonable costs~~
825 ~~and attorney fees incurred by the association incident to the~~
826 ~~collection process is limited to those amounts that accrued~~
827 ~~before the association acquired title to the delinquent property~~
828 ~~through foreclosure or by deed in lieu of foreclosure.~~

829 (3) Rents and assessments, and installments on them, not
830 paid when due bear interest at the rate provided in the
831 cooperative documents from the date due until paid. This rate
832 may not exceed the rate allowed by law and, if a rate is not
833 provided in the cooperative documents, accrues at 18 percent per
834 annum. If the cooperative documents or bylaws so provide, the
835 association may charge an administrative late fee in addition to
836 such interest, not to exceed the greater of \$25 or 5 percent of
837 each installment of the assessment for each delinquent
838 installment that the payment is late. Any payment received by an
839 association must be applied first to any interest accrued by the
840 association, then to any administrative late fee, then to any
841 ~~costs and~~ reasonable costs and attorney ~~attorney's~~ fees incurred

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842 in collection, and then to the delinquent assessment. The
843 foregoing applies notwithstanding any restrictive endorsement,
844 designation, or instruction placed on or accompanying a payment.
845 A late fee is not subject to chapter 687 or s. 719.303(4).

846 (4) The association has a lien on each cooperative parcel
847 for any unpaid rents and assessments, plus interest, and any
848 authorized administrative late fees. If authorized by the
849 cooperative documents, the lien also secures reasonable costs
850 and attorney ~~attorney's~~ fees incurred by the association
851 incident to the collection of the rents and assessments or
852 enforcement of such lien. The lien is effective from and after
853 recording a claim of lien in the public records in the county in
854 which the cooperative parcel is located which states the
855 description of the cooperative parcel, the name of the unit
856 owner, the amount due, and the due dates. The lien expires if a
857 claim of lien is not filed within 1 year after the date the
858 assessment was due, and the lien does not continue for longer
859 than 1 year after the claim of lien has been recorded unless,
860 within that time, an action to enforce the lien is commenced.
861 Except as otherwise provided in this chapter, a lien may not be
862 filed by the association against a cooperative parcel until 30
863 days after the date on which a notice of intent to file a lien
864 has been delivered to the owner.

865 (a) The notice must be sent to the unit owner at the
866 address of the unit by first-class United States mail and:

867 1. If the most recent address of the unit owner on the
868 records of the association is the address of the unit, the
869 notice must be sent by registered or certified mail, return
870 receipt requested, to the unit owner at the address of the unit.

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871 2. If the most recent address of the unit owner on the
872 records of the association is in the United States, but is not
873 the address of the unit, the notice must be sent by registered
874 or certified mail, return receipt requested, to the unit owner
875 at his or her most recent address.

876 3. If the most recent address of the unit owner on the
877 records of the association is not in the United States, the
878 notice must be sent by first-class United States mail to the
879 unit owner at his or her most recent address.

880 (b) A notice that is sent pursuant to this subsection is
881 deemed delivered upon mailing.

882 (9) The specific purposes of any special assessment,
883 including any contingent special assessment levied in
884 conjunction with the purchase of an insurance policy authorized
885 by s. 719.104(3), approved in accordance with the cooperative
886 documents shall be set forth in a written notice of such
887 assessment sent or delivered to each unit owner. The funds
888 collected pursuant to a special assessment may ~~shall~~ be used
889 only for the specific purpose or purposes set forth in such
890 notice or returned to the unit owners. However, upon completion
891 of such specific purposes, any excess funds shall be considered
892 common surplus and may, at the discretion of the board, either
893 be returned to the unit owners or applied as a credit toward
894 future assessments.

895 Section 10. Section 719.128, Florida Statutes, is created
896 to read:

897 719.128 Association emergency powers.-

898 (1) To the extent allowed by law, unless specifically
899 prohibited by the cooperative documents, and consistent with s.

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900 617.0830, the board of administration, in response to damage
901 caused by an event for which a state of emergency is declared
902 pursuant to s. 252.36 in a location in which the cooperative is
903 located, may exercise the following powers:

904 (a) Conduct board or membership meetings with notice of the
905 meetings and board decisions provided as is practicable,
906 including via publication, radio, United States mail, the
907 Internet, public service announcements, conspicuous posting on
908 the cooperative property, or any other means the board deems
909 appropriate under the circumstances.

910 (b) Cancel and reschedule an association meeting.

911 (c) Name assistant officers who are not directors. An
912 assistant officer has the same authority during the state of
913 emergency as the executive officer he or she assists if that
914 executive officer is incapacitated or unavailable.

915 (d) Relocate the association's principal office or
916 designate an alternative principal office.

917 (e) Enter into agreements with counties and municipalities
918 to assist counties and municipalities with debris removal.

919 (f) Implement a disaster plan before or immediately
920 following the event for which a state of emergency is declared
921 which may include, but is not limited to, shutting off
922 elevators; electricity; water, sewer, or security systems; or
923 air conditioners.

924 (g) Based upon the advice of emergency management officials
925 or upon the advice of licensed professionals retained by the
926 board, determine any portion of the cooperative property
927 unavailable for entry or occupancy by unit owners or their
928 family members, tenants, guests, agents, or invitees to protect

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929 their health, safety, or welfare.

930 (h) Based upon the advice of emergency management officials
931 or upon the advice of licensed professionals retained by the
932 board, determine whether the cooperative property can be safely
933 inhabited or occupied. However, such determination is not
934 conclusive as to any determination of habitability pursuant to
935 the declaration.

936 (i) Require the evacuation of the cooperative property in
937 the event of a mandatory evacuation order in the location in
938 which the cooperative is located. If a unit owner or other
939 occupant of a cooperative fails to evacuate the cooperative
940 property for which the board has required evacuation, the
941 association is immune from liability for injury to persons or
942 property arising from such failure.

943 (j) Mitigate further damage, including taking action to
944 contract for the removal of debris and to prevent or mitigate
945 the spread of fungus, including, but not limited to, mold or
946 mildew, by removing and disposing of wet drywall, insulation,
947 carpet, cabinetry, or other fixtures on or within the
948 cooperative property, regardless of whether the unit owner is
949 obligated by the declaration or law to insure or replace those
950 fixtures and to remove personal property from a unit.

951 (k) Contract, on behalf of a unit owner, for items or
952 services for which the owner is otherwise individually
953 responsible, but which are necessary to prevent further damage
954 to the cooperative property. In such event, the unit owner on
955 whose behalf the board has contracted is responsible for
956 reimbursing the association for the actual costs of the items or
957 services, and the association may use its lien authority

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958 provided by s. 719.108 to enforce collection of the charges.
959 Without limitation, such items or services may include the
960 drying of units, the boarding of broken windows or doors, and
961 the replacement of damaged air conditioners or air handlers to
962 provide climate control in the units or other portions of the
963 property.

964 (1) Notwithstanding a provision to the contrary, and
965 regardless of whether such authority does not specifically
966 appear in the cooperative documents, levy special assessments
967 without a vote of the owners.

968 (m) Without unit owners' approval, borrow money and pledge
969 association assets as collateral to fund emergency repairs and
970 carry out the duties of the association if operating funds are
971 insufficient. This paragraph does not limit the general
972 authority of the association to borrow money, subject to such
973 restrictions contained in the cooperative documents.

974 (2) The authority granted under subsection (1) is limited
975 to that time reasonably necessary to protect the health, safety,
976 and welfare of the association and the unit owners and their
977 family members, tenants, guests, agents, or invitees, and to
978 mitigate further damage and make emergency repairs.

979 Section 11. Paragraphs (a) and (b) of subsection (2) of
980 section 720.3085, Florida Statutes, are amended to read:

981 720.3085 Payment for assessments; lien claims.—

982 (2) (a) A parcel owner is liable for all assessments that
983 come due while the parcel owner owns the parcel, regardless of
984 how the parcel owner acquired his or her title to the property
985 has been acquired, including by purchase at a foreclosure sale
986 or by deed in lieu of foreclosure, is liable for all assessments

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987 ~~that come due while he or she is the parcel owner. The parcel~~
988 ~~owner's liability for assessments may not be avoided by waiver~~
989 ~~or suspension of the use or enjoyment of any common area or by~~
990 ~~abandonment of the parcel upon which the assessments are made.~~

991 (b) A parcel owner is jointly and severally liable with the
992 previous parcel owner for all unpaid assessments that came due
993 up to the time of transfer of title, as well as interest, late
994 charges, and reasonable costs and attorney fees incurred by the
995 association incident to the collection process. This liability
996 is without prejudice to any right the present parcel owner may
997 have to recover any amounts paid by the present owner from the
998 previous owner. For the purposes of this paragraph, the term
999 "previous owner" does ~~shall~~ not include an association that
1000 acquires title to a delinquent property through foreclosure or
1001 by deed in lieu of foreclosure. The present parcel owner's
1002 liability for unpaid assessments, interest, late charges, and
1003 reasonable costs and attorney fees incurred by the association
1004 incident to the collection process is limited to the amounts ~~any~~
1005 ~~unpaid assessments~~ that accrued before the association acquired
1006 title to the delinquent property through foreclosure or by deed
1007 in lieu of foreclosure.

1008 Section 12. Section 720.316, Florida Statutes, is created
1009 to read:

1010 720.316 Association emergency powers.-

1011 (1) To the extent allowed by law, unless specifically
1012 prohibited by the governing documents, and consistent with s.
1013 617.0830, the board of directors, in response to damage caused
1014 by an event for which a state of emergency is declared pursuant
1015 to s. 252.36 in a location in which the association is located,

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1016 may exercise the following powers:

1017 (a) Conduct board or membership meetings with notice of the
1018 meetings and board decisions provided as is practicable,
1019 including via publication, radio, United States mail, the
1020 Internet, public service announcements, conspicuous posting on
1021 the association property, or any other means the board deems
1022 appropriate under the circumstances.

1023 (b) Cancel and reschedule an association meeting.

1024 (c) Name assistant officers who are not directors. An
1025 assistant officer has the same authority during the state of
1026 emergency as the executive officer he or she assists if that
1027 executive officer is incapacitated or unavailable.

1028 (d) Relocate the association's principal office or
1029 designate an alternative principal office.

1030 (e) Enter into agreements with counties and municipalities
1031 to assist counties and municipalities with debris removal.

1032 (f) Implement a disaster plan before or immediately
1033 following the event for which a state of emergency is declared
1034 which may include, but is not limited to, shutting off
1035 elevators; electricity; water, sewer, or security systems; or
1036 air conditioners for association buildings.

1037 (g) Based upon the advice of emergency management officials
1038 or upon the advice of licensed professionals retained by the
1039 board, determine any portion of the association property
1040 unavailable for entry or occupancy by owners or their family
1041 members, tenants, guests, agents, or invitees to protect their
1042 health, safety, or welfare.

1043 (h) Based upon the advice of emergency management officials
1044 or upon the advice of licensed professionals retained by the

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1045 board, determine whether the association property can be safely
1046 inhabited or occupied. However, such determination is not
1047 conclusive as to any determination of habitability pursuant to
1048 the declaration.

1049 (i) Mitigate further damage, including taking action to
1050 contract for the removal of debris and to prevent or mitigate
1051 the spread of fungus, including, but not limited to, mold or
1052 mildew, by removing and disposing of wet drywall, insulation,
1053 carpet, cabinetry, or other fixtures on or within the
1054 association property.

1055 (j) Notwithstanding a provision to the contrary, and
1056 regardless of whether such authority does not specifically
1057 appear in the governing documents, levy special assessments
1058 without a vote of the owners.

1059 (k) Without owners' approval, borrow money and pledge
1060 association assets as collateral to fund emergency repairs and
1061 carry out the duties of the association if operating funds are
1062 insufficient. This paragraph does not limit the general
1063 authority of the association to borrow money, subject to such
1064 restrictions contained in the governing documents.

1065 (2) The authority granted under subsection (1) is limited
1066 to that time reasonably necessary to protect the health, safety,
1067 and welfare of the association and the parcel owners and their
1068 family members, tenants, guests, agents, or invitees, and to
1069 mitigate further damage and make emergency repairs.

1070 Section 13. This act shall take effect July 1, 2014.