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1  
2 An act relating to community associations; amending s.  
3 718.111, F.S.; revising condominium association  
4 recordkeeping and financial reporting requirements;  
5 revising record retention policies; revising the list  
6 of documents that the association is required to post  
7 online; limiting an association's liability for  
8 inadvertent disclosure of protected or restricted  
9 information; amending s. 718.112, F.S.; revising  
10 provisions relating to required association bylaws;  
11 revising board term limits; authorizing an association  
12 to adopt rules for posting certain notices on a  
13 website; providing responsibilities for unit owners  
14 who receive electronic notices; revising and providing  
15 board member recall and challenge requirements;  
16 authorizing the recovery of attorney fees and costs in  
17 an action to challenge the validity of a board member  
18 recall; amending s. 718.113, F.S.; revising voting  
19 requirements relating to alterations and additions to  
20 certain common elements or association property;  
21 providing legislative findings; providing that an  
22 association may not prohibit a unit owner from  
23 installing an electronic vehicle charging station;  
24 providing requirements for installing such charging  
25 station; amending s. 718.121, F.S.; providing when the

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26 | installation of an electronic vehicle charging station  
27 | may be the basis of a lien; amending s. 718.3026,  
28 | F.S.; removing a provision relating to certain  
29 | contracts or transactions regarding conflicts of  
30 | interest; amending s. 718.3027, F.S.; providing  
31 | requirements for proposed activity that is identified  
32 | as a conflict of interest; amending s. 718.303, F.S.;  
33 | revising fine and suspension requirements; amending s.  
34 | 718.707, F.S.; revising the time period for  
35 | classification as a bulk assignee or bulk buyer;  
36 | amending s. 719.104, F.S.; revising cooperative  
37 | association recordkeeping requirements; amending s.  
38 | 719.106, F.S.; revising requirements to serve as a  
39 | board member; prohibiting a board member from voting  
40 | via e-mail; authorizing an association to adopt rules  
41 | for posting certain notices on a website; providing  
42 | responsibilities for unit owners who receive  
43 | electronic notices; providing that directors or  
44 | officers who are delinquent in certain payments owed  
45 | in excess of certain periods of time be deemed to have  
46 | abandoned their offices; amending s. 719.107, F.S.;  
47 | specifying that certain services which are obtained  
48 | pursuant to a bulk contract are deemed a common  
49 | expense; amending s. 719.303, F.S.; revising fine and  
50 | suspension requirements; amending s. 720.303, F.S.;

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51 prohibiting a board member from voting via e-mail;  
 52 amending s. 720.305, F.S.; revising fine and  
 53 suspension requirements; amending s. 720.306, F.S.;  
 54 requiring an association to follow certain procedures  
 55 when amending a governing document; requiring that  
 56 certain notices to parcel owners be delivered in  
 57 specified ways; revising election requirements;  
 58 amending s. 720.3085, F.S.; providing applicability;  
 59 providing an effective date.

60

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

62

63 Section 1. Subsection (3), paragraphs (a), (b), and (g) of  
 64 subsection (12), and paragraph (e) of subsection (13) of section  
 65 718.111, Florida Statutes, are amended to read:

66 718.111 The association.—

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

69 ~~(a)~~ The association may contract, sue, or be sued with  
 70 respect to the exercise or nonexercise of its powers. For these  
 71 purposes, the powers of the association include, but are not  
 72 limited to, the maintenance, management, and operation of the  
 73 condominium property. After control of the association is  
 74 obtained by unit owners other than the developer, the  
 75 association may institute, maintain, settle, or appeal actions

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76 | or hearings in its name on behalf of all unit owners concerning  
77 | matters of common interest to most or all unit owners,  
78 | including, but not limited to, the common elements; the roof and  
79 | structural components of a building or other improvements;  
80 | mechanical, electrical, and plumbing elements serving an  
81 | improvement or a building; representations of the developer  
82 | pertaining to any existing or proposed commonly used facilities;  
83 | and protesting ad valorem taxes on commonly used facilities and  
84 | on units; and may defend actions in eminent domain or bring  
85 | inverse condemnation actions. If the association has the  
86 | authority to maintain a class action, the association may be  
87 | joined in an action as representative of that class with  
88 | reference to litigation and disputes involving the matters for  
89 | which the association could bring a class action. Nothing herein  
90 | limits any statutory or common-law right of any individual unit  
91 | owner or class of unit owners to bring any action without  
92 | participation by the association which may otherwise be  
93 | available.

94 |       (b) An association may not hire an attorney who represents  
95 | the management company of the association.

96 |       (12) OFFICIAL RECORDS.—

97 |       (a) From the inception of the association, the association  
98 | shall maintain each of the following items, if applicable, which  
99 | constitutes the official records of the association:

100 |       1. A copy of the plans, permits, warranties, and other

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101 items provided by the developer pursuant to s. 718.301(4).

102 2. A photocopy of the recorded declaration of condominium  
 103 of each condominium operated by the association and each  
 104 amendment to each declaration.

105 3. A photocopy of the recorded bylaws of the association  
 106 and each amendment to the bylaws.

107 4. A certified copy of the articles of incorporation of  
 108 the association, or other documents creating the association,  
 109 and each amendment thereto.

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

111 6. A book or books that contain the minutes of all  
 112 meetings of the association, the board of administration, and  
 113 the unit owners, ~~which minutes must be retained for at least 7~~  
 114 ~~years.~~

115 7. A current roster of all unit owners and their mailing  
 116 addresses, unit identifications, voting certifications, and, if  
 117 known, telephone numbers. The association shall also maintain  
 118 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of  
 119 unit owners consenting to receive notice by electronic  
 120 transmission. The e-mail ~~electronic mailing~~ addresses and  
 121 facsimile numbers are not accessible to unit owners if consent  
 122 to receive notice by electronic transmission is not provided in  
 123 accordance with sub-subparagraph (c)3.e. However, the  
 124 association is not liable for an inadvertent disclosure of the  
 125 e-mail ~~electronic mail~~ address or facsimile number for receiving

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126 | electronic transmission of notices.

127 |       8. All current insurance policies of the association and  
128 | condominiums operated by the association.

129 |       9. A current copy of any management agreement, lease, or  
130 | other contract to which the association is a party or under  
131 | which the association or the unit owners have an obligation or  
132 | responsibility.

133 |       10. Bills of sale or transfer for all property owned by  
134 | the association.

135 |       11. Accounting records for the association and separate  
136 | accounting records for each condominium that the association  
137 | operates. ~~All accounting records must be maintained for at least~~  
138 | ~~7 years.~~ Any person who knowingly or intentionally defaces or  
139 | destroys such records, or who knowingly or intentionally fails  
140 | to create or maintain such records, with the intent of causing  
141 | harm to the association or one or more of its members, is  
142 | personally subject to a civil penalty pursuant to s.  
143 | 718.501(1)(d). The accounting records must include, but are not  
144 | limited to:

145 |       a. Accurate, itemized, and detailed records of all  
146 | receipts and expenditures.

147 |       b. A current account and a monthly, bimonthly, or  
148 | quarterly statement of the account for each unit designating the  
149 | name of the unit owner, the due date and amount of each  
150 | assessment, the amount paid on the account, and the balance due.

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

153 d. All contracts for work to be performed. Bids for work  
 154 to be performed are also considered official records and must be  
 155 maintained by the association.

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

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

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

165 15. All other written records of the association not  
 166 specifically included in the foregoing which are related to the  
 167 operation of the association.

168 16. A copy of the inspection report as described in s.  
 169 718.301(4)(p).

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

171 (b) The official records specified in subparagraphs (a)1.-  
 172 6. must be permanently maintained from the inception of the  
 173 association. All other official records ~~of the association~~ must  
 174 be maintained within the state for at least 7 years, unless  
 175 otherwise provided by general law. The records of the

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176 association shall be made available to a unit owner within 45  
177 miles of the condominium property or within the county in which  
178 the condominium property is located within 10 ~~5~~ working days  
179 after receipt of a written request by the board or its designee.  
180 However, such distance requirement does not apply to an  
181 association governing a timeshare condominium. This paragraph  
182 may be complied with by having a copy of the official records of  
183 the association available for inspection or copying on the  
184 condominium property or association property, or the association  
185 may offer the option of making the records available to a unit  
186 owner electronically via the Internet or by allowing the records  
187 to be viewed in electronic format on a computer screen and  
188 printed upon request. The association is not responsible for the  
189 use or misuse of the information provided to an association  
190 member or his or her authorized representative pursuant to the  
191 compliance requirements of this chapter unless the association  
192 has an affirmative duty not to disclose such information  
193 pursuant to this chapter.

194 (g)1. By January ~~July~~ 1, 2019 ~~2018~~, an association  
195 managing a condominium with 150 or more units which does not  
196 contain ~~manage~~ timeshare units shall post digital copies of the  
197 documents specified in subparagraph 2. on its website.

198 a. The association's website must be:

199 (I) An independent website or web portal wholly owned and  
200 operated by the association; or



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

207 b. The association's website must be accessible through  
208 the Internet and must contain a subpage, web portal, or other  
209 protected electronic location that is inaccessible to the  
210 general public and accessible only to unit owners and employees  
211 of the association.

212 c. Upon a unit owner's written request, the association  
213 must provide the unit owner with a username and password and  
214 access to the protected sections of the association's website  
215 that contain any notices, records, or documents that must be  
216 electronically provided.

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

219 a. The recorded declaration of condominium of each  
220 condominium operated by the association and each amendment to  
221 each declaration.

222 b. The recorded bylaws of the association and each  
223 amendment to the bylaws.

224 c. The articles of incorporation of the association, or  
225 other documents creating the association, and each amendment

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226 thereto. The copy posted pursuant to this sub-subparagraph must  
227 be a copy of the articles of incorporation filed with the  
228 Department of State.

229 d. The rules of the association.

230 e. A list of all executory contracts or documents ~~Any~~  
231 ~~management agreement, lease, or other contract~~ to which the  
232 association is a party or under which the association or the  
233 unit owners have an obligation or responsibility and, after  
234 bidding for the related materials, equipment, or services has  
235 closed, a list of bids received by the association within the  
236 past year. Summaries of bids for materials, equipment, or  
237 services which exceed \$500 must be maintained on the website for  
238 1 year. In lieu of summaries, complete copies of the bids may be  
239 posted.

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

242 g. The financial report required by subsection (13) and  
243 any monthly income or expense statement ~~proposed financial~~  
244 ~~report~~ to be considered at a meeting.

245 h. The certification of each director required by s.  
246 718.112(2)(d)4.b.

247 i. All contracts or transactions between the association  
248 and any director, officer, corporation, firm, or association  
249 that is not an affiliated condominium association or any other  
250 entity in which an association director is also a director or

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251 officer and financially interested.

252 j. Any contract or document regarding a conflict of  
253 interest or possible conflict of interest as provided in ss.  
254 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3)~~.

255 k. The notice of any unit owner meeting and the agenda for  
256 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
257 days before the meeting. The notice must be posted in plain view  
258 on the front page of the website, or on a separate subpage of  
259 the website labeled "Notices" which is conspicuously visible and  
260 linked from the front page. The association must also post on  
261 its website any document to be considered and voted on by the  
262 owners during the meeting or any document listed on the agenda  
263 at least 7 days before the meeting at which the document or the  
264 information within the document will be considered.

265 1. Notice of any board meeting, the agenda, and any other  
266 document required for the meeting as required by s.  
267 718.112(2)(c), which must be posted no later than the date  
268 required for notice pursuant to s. 718.112(2)(c).

269 3. The association shall ensure that the information and  
270 records described in paragraph (c), which are not allowed  
271 ~~permitted~~ to be accessible to unit owners, are not posted on the  
272 association's website. If protected information or information  
273 restricted from being accessible to unit owners is included in  
274 documents that are required to be posted on the association's  
275 website, the association shall ensure the information is

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276 | redacted before posting the documents online. Notwithstanding  
277 | the foregoing, the association or its agent is not liable for  
278 | disclosing information that is protected or restricted pursuant  
279 | to this paragraph unless such disclosure was made with a knowing  
280 | or intentional disregard of the protected or restricted nature  
281 | of such information.

282 | 4. The failure of the association to post information  
283 | required under subparagraph 2. is not in and of itself  
284 | sufficient to invalidate any action or decision of the  
285 | association's board or its committees.

286 | (13) FINANCIAL REPORTING.—Within 90 days after the end of  
287 | the fiscal year, or annually on a date provided in the bylaws,  
288 | the association shall prepare and complete, or contract for the  
289 | preparation and completion of, a financial report for the  
290 | preceding fiscal year. Within 21 days after the final financial  
291 | report is completed by the association or received from the  
292 | third party, but not later than 120 days after the end of the  
293 | fiscal year or other date as provided in the bylaws, the  
294 | association shall mail to each unit owner at the address last  
295 | furnished to the association by the unit owner, or hand deliver  
296 | to each unit owner, a copy of the most recent financial report  
297 | or a notice that a copy of the most recent financial report will  
298 | be mailed or hand delivered to the unit owner, without charge,  
299 | within 5 business days after receipt of a written request from  
300 | the unit owner. The division shall adopt rules setting forth

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301 uniform accounting principles and standards to be used by all  
302 associations and addressing the financial reporting requirements  
303 for multicondominium associations. The rules must include, but  
304 not be limited to, standards for presenting a summary of  
305 association reserves, including a good faith estimate disclosing  
306 the annual amount of reserve funds that would be necessary for  
307 the association to fully fund reserves for each reserve item  
308 based on the straight-line accounting method. This disclosure is  
309 not applicable to reserves funded via the pooling method. In  
310 adopting such rules, the division shall consider the number of  
311 members and annual revenues of an association. Financial reports  
312 shall be prepared as follows:

313 (e) A unit owner may provide written notice to the  
314 division of the association's failure to mail or hand deliver  
315 him or her a copy of the most recent financial report within 5  
316 business days after he or she submitted a written request to the  
317 association for a copy of such report. If the division  
318 determines that the association failed to mail or hand deliver a  
319 copy of the most recent financial report to the unit owner, the  
320 division shall provide written notice to the association that  
321 the association must mail or hand deliver a copy of the most  
322 recent financial report to the unit owner and the division  
323 within 5 business days after it receives such notice from the  
324 division. An association that fails to comply with the  
325 division's request may not waive the financial reporting

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326 requirement provided in paragraph (d) for the fiscal year in  
 327 which the unit owner's request was made and the following fiscal  
 328 year. A financial report received by the division pursuant to  
 329 this paragraph shall be maintained, and the division shall  
 330 provide a copy of such report to an association member upon his  
 331 or her request.

332 Section 2. Paragraphs (a), (c), (d), and (j) of subsection  
 333 (2) of section 718.112, Florida Statutes, are amended to read:

334 718.112 Bylaws.—

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

338 (a) Administration.—

339 1. The form of administration of the association shall be  
 340 described indicating the title of the officers and board of  
 341 administration and specifying the powers, duties, manner of  
 342 selection and removal, and compensation, if any, of officers and  
 343 boards. In the absence of such a provision, the board of  
 344 administration shall be composed of five members, unless the  
 345 ~~except in the case of a condominium which~~ has five or fewer  
 346 units. The board shall consist of not fewer than three members  
 347 in condominiums with five or fewer units that are not-for-profit  
 348 corporations, ~~in which case in a not for profit corporation the~~  
 349 ~~board shall consist of not fewer than three members.~~ In the  
 350 absence of provisions to the contrary in the bylaws, the board

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351 of administration shall have a president, a secretary, and a  
352 treasurer, who shall perform the duties of such officers  
353 customarily performed by officers of corporations. Unless  
354 prohibited in the bylaws, the board of administration may  
355 appoint other officers and grant them the duties it deems  
356 appropriate. Unless otherwise provided in the bylaws, the  
357 officers shall serve without compensation and at the pleasure of  
358 the board of administration. Unless otherwise provided in the  
359 bylaws, the members of the board shall serve without  
360 compensation.

361 2. When a unit owner of a residential condominium files a  
362 written inquiry by certified mail with the board of  
363 administration, the board shall respond in writing to the unit  
364 owner within 30 days after receipt of the inquiry. The board's  
365 response shall either give a substantive response to the  
366 inquirer, notify the inquirer that a legal opinion has been  
367 requested, or notify the inquirer that advice has been requested  
368 from the division. If the board requests advice from the  
369 division, the board shall, within 10 days after its receipt of  
370 the advice, provide in writing a substantive response to the  
371 inquirer. If a legal opinion is requested, the board shall,  
372 within 60 days after the receipt of the inquiry, provide in  
373 writing a substantive response to the inquiry. The failure to  
374 provide a substantive response to the inquiry as provided herein  
375 precludes the board from recovering attorney fees and costs in

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376 any subsequent litigation, administrative proceeding, or  
377 arbitration arising out of the inquiry. The association may  
378 through its board of administration adopt reasonable rules and  
379 regulations regarding the frequency and manner of responding to  
380 unit owner inquiries, one of which may be that the association  
381 is only obligated to respond to one written inquiry per unit in  
382 any given 30-day period. In such a case, any additional inquiry  
383 or inquiries must be responded to in the subsequent 30-day  
384 period, or periods, as applicable.

385 (c) Board of administration meetings.—Meetings of the  
386 board of administration at which a quorum of the members is  
387 present are open to all unit owners. Members of the board of  
388 administration may use e-mail as a means of communication but  
389 may not cast a vote on an association matter via e-mail. A unit  
390 owner may tape record or videotape the meetings. The right to  
391 attend such meetings includes the right to speak at such  
392 meetings with reference to all designated agenda items. The  
393 division shall adopt reasonable rules governing the tape  
394 recording and videotaping of the meeting. The association may  
395 adopt written reasonable rules governing the frequency,  
396 duration, and manner of unit owner statements.

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



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401 of the voting interests petition the board to address an item of  
402 business, the board, within 60 days after receipt of the  
403 petition, shall place the item on the agenda at its next regular  
404 board meeting or at a special meeting called for that purpose.  
405 An item not included on the notice may be taken up on an  
406 emergency basis by a vote of at least a majority plus one of the  
407 board members. Such emergency action must be noticed and  
408 ratified at the next regular board meeting. ~~However,~~ Written  
409 notice of a meeting at which a nonemergency special assessment  
410 or an amendment to rules regarding unit use will be considered  
411 must be mailed, delivered, or electronically transmitted to the  
412 unit owners and posted conspicuously on the condominium property  
413 at least 14 days before the meeting. Evidence of compliance with  
414 this 14-day notice requirement must be made by an affidavit  
415 executed by the person providing the notice and filed with the  
416 official records of the association. Notice of any meeting in  
417 which regular or special assessments against unit owners are to  
418 be considered must specifically state that assessments will be  
419 considered and provide the estimated cost and description of the  
420 purposes for such assessments. Upon notice to the unit owners,  
421 the board shall, by duly adopted rule, designate a specific  
422 location on the condominium ~~or association~~ property where all  
423 notices of board meetings must be posted. If there is no  
424 condominium property ~~or association property~~ where notices can  
425 be posted, notices shall be mailed, delivered, or electronically

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426 transmitted to each unit owner at least 14 days before the  
427 meeting. In lieu of or in addition to the physical posting of  
428 the notice on the condominium property, the association may, by  
429 reasonable rule, adopt a procedure for conspicuously posting and  
430 repeatedly broadcasting the notice and the agenda on a closed-  
431 circuit cable television system serving the condominium  
432 association. However, if broadcast notice is used in lieu of a  
433 notice physically posted on condominium property, the notice and  
434 agenda must be broadcast at least four times every broadcast  
435 hour of each day that a posted notice is otherwise required  
436 under this section. If broadcast notice is provided, the notice  
437 and agenda must be broadcast in a manner and for a sufficient  
438 continuous length of time so as to allow an average reader to  
439 observe the notice and read and comprehend the entire content of  
440 the notice and the agenda. In addition to any of the authorized  
441 means of providing notice of a meeting of the board, the  
442 association may, by rule, adopt a procedure for conspicuously  
443 posting the meeting notice and the agenda on a website serving  
444 the condominium association for at least the minimum period of  
445 time for which a notice of a meeting is also required to be  
446 physically posted on the condominium property. Any rule adopted  
447 shall, in addition to other matters, include a requirement that  
448 the association send an electronic notice in the same manner as  
449 a notice for a meeting of the members, which must include a  
450 hyperlink to the website where the notice is posted, to unit

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451 owners whose e-mail addresses are included in the association's  
 452 official records. ~~Notice of any meeting in which regular or~~  
 453 ~~special assessments against unit owners are to be considered~~  
 454 ~~must specifically state that assessments will be considered and~~  
 455 ~~provide the nature, estimated cost, and description of the~~  
 456 ~~purposes for such assessments.~~

457 2. Meetings of a committee to take final action on behalf  
 458 of the board or make recommendations to the board regarding the  
 459 association budget are subject to this paragraph. Meetings of a  
 460 committee that does not take final action on behalf of the board  
 461 or make recommendations to the board regarding the association  
 462 budget are subject to this section, unless those meetings are  
 463 exempted from this section by the bylaws of the association.

464 3. Notwithstanding any other law, the requirement that  
 465 board meetings and committee meetings be open to the unit owners  
 466 does not apply to:

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

471 b. Board meetings held for the purpose of discussing  
 472 personnel matters.

473 (d) Unit owner meetings.—

474 1. An annual meeting of the unit owners must ~~shall~~ be held  
 475 at the location provided in the association bylaws and, if the

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476 | bylaws are silent as to the location, the meeting must ~~shall~~ be  
477 | held within 45 miles of the condominium property. However, such  
478 | distance requirement does not apply to an association governing  
479 | a timeshare condominium.

480 |         2. Unless the bylaws provide otherwise, a vacancy on the  
481 | board caused by the expiration of a director's term must ~~shall~~  
482 | be filled by electing a new board member, and the election must  
483 | be by secret ballot. An election is not required if the number  
484 | of vacancies equals or exceeds the number of candidates. For  
485 | purposes of this paragraph, the term "candidate" means an  
486 | eligible person who has timely submitted the written notice, as  
487 | described in sub-subparagraph 4.a., of his or her intention to  
488 | become a candidate. Except in a timeshare or nonresidential  
489 | condominium, or if the staggered term of a board member does not  
490 | expire until a later annual meeting, or if all members' terms  
491 | would otherwise expire but there are no candidates, the terms of  
492 | all board members expire at the annual meeting, and such members  
493 | may stand for reelection unless prohibited by the bylaws. Board  
494 | members may serve ~~2-year~~ terms longer than 1 year if permitted  
495 | by the bylaws or articles of incorporation. A board member may  
496 | not serve more than 8 consecutive years ~~four consecutive 2-year~~  
497 | ~~terms~~, unless approved by an affirmative vote of unit owners  
498 | representing two-thirds of all votes cast in the election ~~the~~  
499 | ~~total voting interests of the association~~ or unless there are  
500 | not enough eligible candidates to fill the vacancies on the

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501 board at the time of the vacancy. If the number of board members  
502 whose terms expire at the annual meeting equals or exceeds the  
503 number of candidates, the candidates become members of the board  
504 effective upon the adjournment of the annual meeting. Unless the  
505 bylaws provide otherwise, any remaining vacancies shall be  
506 filled by the affirmative vote of the majority of the directors  
507 making up the newly constituted board even if the directors  
508 constitute less than a quorum or there is only one director. In  
509 a residential condominium association of more than 10 units or  
510 in a residential condominium association that does not include  
511 timeshare units or timeshare interests, coowners of a unit may  
512 not serve as members of the board of directors at the same time  
513 unless they own more than one unit or unless there are not  
514 enough eligible candidates to fill the vacancies on the board at  
515 the time of the vacancy. A unit owner in a residential  
516 condominium desiring to be a candidate for board membership must  
517 comply with sub-subparagraph 4.a. and must be eligible to be a  
518 candidate to serve on the board of directors at the time of the  
519 deadline for submitting a notice of intent to run in order to  
520 have his or her name listed as a proper candidate on the ballot  
521 or to serve on the board. A person who has been suspended or  
522 removed by the division under this chapter, or who is delinquent  
523 in the payment of any monetary obligation due to the  
524 association, is not eligible to be a candidate for board  
525 membership and may not be listed on the ballot. A person who has

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526 | been convicted of any felony in this state or in a United States  
527 | District or Territorial Court, or who has been convicted of any  
528 | offense in another jurisdiction which would be considered a  
529 | felony if committed in this state, is not eligible for board  
530 | membership unless such felon's civil rights have been restored  
531 | for at least 5 years as of the date such person seeks election  
532 | to the board. The validity of an action by the board is not  
533 | affected if it is later determined that a board member is  
534 | ineligible for board membership due to having been convicted of  
535 | a felony. This subparagraph does not limit the term of a member  
536 | of the board of a nonresidential or timeshare condominium.

537 |         3. The bylaws must provide the method of calling meetings  
538 | of unit owners, including annual meetings. Written notice must  
539 | include an agenda, must be mailed, hand delivered, or  
540 | electronically transmitted to each unit owner at least 14 days  
541 | before the annual meeting, and must be posted in a conspicuous  
542 | place on the condominium property at least 14 continuous days  
543 | before the annual meeting. Upon notice to the unit owners, the  
544 | board shall, by duly adopted rule, designate a specific location  
545 | on the condominium property ~~or association property~~ where all  
546 | notices of unit owner meetings must ~~shall~~ be posted. This  
547 | requirement does not apply if there is no condominium property  
548 | ~~or association property~~ for posting notices. In lieu of, or in  
549 | addition to, the physical posting of meeting notices, the  
550 | association may, by reasonable rule, adopt a procedure for

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551 conspicuously posting and repeatedly broadcasting the notice and  
552 the agenda on a closed-circuit cable television system serving  
553 the condominium association. However, if broadcast notice is  
554 used in lieu of a notice posted physically on the condominium  
555 property, the notice and agenda must be broadcast at least four  
556 times every broadcast hour of each day that a posted notice is  
557 otherwise required under this section. If broadcast notice is  
558 provided, the notice and agenda must be broadcast in a manner  
559 and for a sufficient continuous length of time so as to allow an  
560 average reader to observe the notice and read and comprehend the  
561 entire content of the notice and the agenda. In addition to any  
562 of the authorized means of providing notice of a meeting of the  
563 board, the association may, by rule, adopt a procedure for  
564 conspicuously posting the meeting notice and the agenda on a  
565 website serving the condominium association for at least the  
566 minimum period of time for which a notice of a meeting is also  
567 required to be physically posted on the condominium property.  
568 Any rule adopted shall, in addition to other matters, include a  
569 requirement that the association send an electronic notice in  
570 the same manner as a notice for a meeting of the members, which  
571 must include a hyperlink to the website where the notice is  
572 posted, to unit owners whose e-mail addresses are included in  
573 the association's official records. Unless a unit owner waives  
574 in writing the right to receive notice of the annual meeting,  
575 such notice must be hand delivered, mailed, or electronically

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576 transmitted to each unit owner. Notice for meetings and notice  
577 for all other purposes must be mailed to each unit owner at the  
578 address last furnished to the association by the unit owner, or  
579 hand delivered to each unit owner. However, if a unit is owned  
580 by more than one person, the association must provide notice to  
581 the address that the developer identifies for that purpose and  
582 thereafter as one or more of the owners of the unit advise the  
583 association in writing, or if no address is given or the owners  
584 of the unit do not agree, to the address provided on the deed of  
585 record. An officer of the association, or the manager or other  
586 person providing notice of the association meeting, must provide  
587 an affidavit or United States Postal Service certificate of  
588 mailing, to be included in the official records of the  
589 association affirming that the notice was mailed or hand  
590 delivered in accordance with this provision.

591 4. The members of the board of a residential condominium  
592 shall be elected by written ballot or voting machine. Proxies  
593 may not be used in electing the board in general elections or  
594 elections to fill vacancies caused by recall, resignation, or  
595 otherwise, unless otherwise provided in this chapter. This  
596 subparagraph does not apply to an association governing a  
597 timeshare condominium.

598 a. At least 60 days before a scheduled election, the  
599 association shall mail, deliver, or electronically transmit, by  
600 separate association mailing or included in another association



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601 mailing, delivery, or transmission, including regularly  
602 published newsletters, to each unit owner entitled to a vote, a  
603 first notice of the date of the election. A unit owner or other  
604 eligible person desiring to be a candidate for the board must  
605 give written notice of his or her intent to be a candidate to  
606 the association at least 40 days before a scheduled election.  
607 Together with the written notice and agenda as set forth in  
608 subparagraph 3., the association shall mail, deliver, or  
609 electronically transmit a second notice of the election to all  
610 unit owners entitled to vote, together with a ballot that lists  
611 all candidates. Upon request of a candidate, an information  
612 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
613 furnished by the candidate at least 35 days before the election,  
614 must be included with the mailing, delivery, or transmission of  
615 the ballot, with the costs of mailing, delivery, or electronic  
616 transmission and copying to be borne by the association. The  
617 association is not liable for the contents of the information  
618 sheets prepared by the candidates. In order to reduce costs, the  
619 association may print or duplicate the information sheets on  
620 both sides of the paper. The division shall by rule establish  
621 voting procedures consistent with this sub-subparagraph,  
622 including rules establishing procedures for giving notice by  
623 electronic transmission and rules providing for the secrecy of  
624 ballots. Elections shall be decided by a plurality of ballots  
625 cast. There is no quorum requirement; however, at least 20

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626 | percent of the eligible voters must cast a ballot in order to  
627 | have a valid election. A unit owner may not authorize ~~permit~~ any  
628 | other person to vote his or her ballot, and any ballots  
629 | improperly cast are invalid. A unit owner who violates this  
630 | provision may be fined by the association in accordance with s.  
631 | 718.303. A unit owner who needs assistance in casting the ballot  
632 | for the reasons stated in s. 101.051 may obtain such assistance.  
633 | The regular election must occur on the date of the annual  
634 | meeting. Notwithstanding this sub-subparagraph, an election is  
635 | not required unless more candidates file notices of intent to  
636 | run or are nominated than board vacancies exist.

637 |       b. Within 90 days after being elected or appointed to the  
638 | board of an association of a residential condominium, each newly  
639 | elected or appointed director shall certify in writing to the  
640 | secretary of the association that he or she has read the  
641 | association's declaration of condominium, articles of  
642 | incorporation, bylaws, and current written policies; that he or  
643 | she will work to uphold such documents and policies to the best  
644 | of his or her ability; and that he or she will faithfully  
645 | discharge his or her fiduciary responsibility to the  
646 | association's members. In lieu of this written certification,  
647 | within 90 days after being elected or appointed to the board,  
648 | the newly elected or appointed director may submit a certificate  
649 | of having satisfactorily completed the educational curriculum  
650 | administered by a division-approved condominium education

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651 provider within 1 year before or 90 days after the date of  
652 election or appointment. The written certification or  
653 educational certificate is valid and does not have to be  
654 resubmitted as long as the director serves on the board without  
655 interruption. A director of an association of a residential  
656 condominium who fails to timely file the written certification  
657 or educational certificate is suspended from service on the  
658 board until he or she complies with this sub-subparagraph. The  
659 board may temporarily fill the vacancy during the period of  
660 suspension. The secretary shall cause the association to retain  
661 a director's written certification or educational certificate  
662 for inspection by the members for 5 years after a director's  
663 election or the duration of the director's uninterrupted tenure,  
664 whichever is longer. Failure to have such written certification  
665 or educational certificate on file does not affect the validity  
666 of any board action.

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

669 5. Any approval by unit owners called for by this chapter  
670 or the applicable declaration or bylaws, including, but not  
671 limited to, the approval requirement in s. 718.111(8), must be  
672 made at a duly noticed meeting of unit owners and is subject to  
673 all requirements of this chapter or the applicable condominium  
674 documents relating to unit owner decisionmaking, except that  
675 unit owners may take action by written agreement, without

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676 meetings, on matters for which action by written agreement  
677 without meetings is expressly allowed by the applicable bylaws  
678 or declaration or any law that provides for such action.

679 6. Unit owners may waive notice of specific meetings if  
680 allowed by the applicable bylaws or declaration or any law.  
681 Notice of meetings of the board of administration, unit owner  
682 meetings, except unit owner meetings called to recall board  
683 members under paragraph (j), and committee meetings may be given  
684 by electronic transmission to unit owners who consent to receive  
685 notice by electronic transmission. A unit owner who consents to  
686 receiving notices by electronic transmission is solely  
687 responsible for removing or bypassing filters that block receipt  
688 of mass emails sent to members on behalf of the association in  
689 the course of giving electronic notices.

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

694 8. A unit owner may tape record or videotape a meeting of  
695 the unit owners subject to reasonable rules adopted by the  
696 division.

697 9. Unless otherwise provided in the bylaws, any vacancy  
698 occurring on the board before the expiration of a term may be  
699 filled by the affirmative vote of the majority of the remaining  
700 directors, even if the remaining directors constitute less than

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701 a quorum, or by the sole remaining director. In the alternative,  
702 a board may hold an election to fill the vacancy, in which case  
703 the election procedures must conform to sub-subparagraph 4.a.  
704 unless the association governs 10 units or fewer and has opted  
705 out of the statutory election process, in which case the bylaws  
706 of the association control. Unless otherwise provided in the  
707 bylaws, a board member appointed or elected under this section  
708 shall fill the vacancy for the unexpired term of the seat being  
709 filled. Filling vacancies created by recall is governed by  
710 paragraph (j) and rules adopted by the division.

711 10. This chapter does not limit the use of general or  
712 limited proxies, require the use of general or limited proxies,  
713 or require the use of a written ballot or voting machine for any  
714 agenda item or election at any meeting of a timeshare  
715 condominium association or nonresidential condominium  
716 association.

717  
718 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
719 association of 10 or fewer units may, by affirmative vote of a  
720 majority of the total voting interests, provide for different  
721 voting and election procedures in its bylaws, which may be by a  
722 proxy specifically delineating the different voting and election  
723 procedures. The different voting and election procedures may  
724 provide for elections to be conducted by limited or general  
725 proxy.

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726 (j) Recall of board members.—Subject to s. 718.301, any  
 727 member of the board of administration may be recalled and  
 728 removed from office with or without cause by the vote or  
 729 agreement in writing by a majority of all the voting interests.  
 730 A special meeting of the unit owners to recall a member or  
 731 members of the board of administration may be called by 10  
 732 percent of the voting interests giving notice of the meeting as  
 733 required for a meeting of unit owners, and the notice shall  
 734 state the purpose of the meeting. Electronic transmission may  
 735 not be used as a method of giving notice of a meeting called in  
 736 whole or in part for this purpose.

737 1. If the recall is approved by a majority of all voting  
 738 interests by a vote at a meeting, the recall will be effective  
 739 as provided in this paragraph. The board shall duly notice and  
 740 hold a board meeting within 5 full business days after the  
 741 adjournment of the unit owner meeting to recall one or more  
 742 board members. Such member or members shall be recalled  
 743 effective immediately upon conclusion of the board meeting  
 744 provided that the recall is facially valid. A recalled member  
 745 must ~~and shall~~ turn over to the board, within 10 full business  
 746 days after the vote, any and all records and property of the  
 747 association in their possession.

748 2. If the proposed recall is by an agreement in writing by  
 749 a majority of all voting interests, the agreement in writing or  
 750 a copy thereof shall be served on the association by certified

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751 mail or by personal service in the manner authorized by chapter  
752 48 and the Florida Rules of Civil Procedure. The board of  
753 administration shall duly notice and hold a meeting of the board  
754 within 5 full business days after receipt of the agreement in  
755 writing. Such member or members shall be recalled effective  
756 immediately upon the conclusion of the board meeting provided  
757 that the recall is facially valid. A recalled member must ~~and~~  
758 ~~shall~~ turn over to the board, within 10 full business days, any  
759 and all records and property of the association in their  
760 possession.

761 3. If the board fails to duly notice and hold a board  
762 meeting within 5 full business days after service of an  
763 agreement in writing or within 5 full business days after the  
764 adjournment of the unit owner recall meeting, the recall shall  
765 be deemed effective and the board members so recalled shall turn  
766 over to the board within 10 full business days after the vote  
767 any and all records and property of the association.

768 4. If the board fails to duly notice and hold the required  
769 meeting or at the conclusion of the meeting determines that the  
770 recall is not facially valid ~~fails to file the required~~  
771 ~~petition~~, the unit owner representative may file a petition  
772 pursuant to s. 718.1255 challenging the board's failure to act  
773 or challenging the board's determination on facial validity. The  
774 petition must be filed within 60 days after the expiration of  
775 the applicable 5-full-business-day period. The review of a

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776 petition under this subparagraph is limited to the sufficiency  
777 of service on the board and the facial validity of the written  
778 agreement or ballots filed.

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

792 6. A board member who has been recalled may file a  
793 petition pursuant to s. 718.1255 challenging the validity of the  
794 recall. The petition must be filed within 60 days after the  
795 recall. The association and the unit owner representative shall  
796 be named as the respondents. The petition may challenge the  
797 facial validity of the written agreement or ballots filed or the  
798 substantial compliance with the procedural requirements for the  
799 recall. If the arbitrator determines the recall was invalid, the  
800 petitioning board member shall immediately be reinstated and the



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801 recall is null and void. A board member who is successful in  
802 challenging a recall is entitled to recover reasonable attorney  
803 fees and costs from the respondents. The arbitrator may award  
804 reasonable attorney fees and costs to the respondents if they  
805 prevail, if the arbitrator makes a finding that the petitioner's  
806 claim is frivolous.

807 7. The division may not accept for filing a recall  
808 petition, whether filed pursuant to subparagraph 1.,  
809 subparagraph 2., subparagraph 4., or subparagraph 6. when there  
810 are 60 or fewer days until the scheduled reelection of the board  
811 member sought to be recalled or when 60 or fewer days have  
812 elapsed since the election of the board member sought to be  
813 recalled.

814 Section 3. Subsection (2) of section 718.113, Florida  
815 Statutes, is amended, and a new subsection (8) is added to that  
816 section, to read:

817 718.113 Maintenance; limitation upon improvement; display  
818 of flag; hurricane shutters and protection; display of religious  
819 decorations.—

820 (2) (a) Except as otherwise provided in this section, there  
821 shall be no material alteration or substantial additions to the  
822 common elements or to real property which is association  
823 property, except in a manner provided in the declaration as  
824 originally recorded or as amended under the procedures provided  
825 therein. If the declaration as originally recorded or as amended

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826 | under the procedures provided therein does not specify the  
 827 | procedure for approval of material alterations or substantial  
 828 | additions, 75 percent of the total voting interests of the  
 829 | association must approve the alterations or additions before the  
 830 | material alterations or substantial additions are commenced.

831 | This paragraph is intended to clarify existing law and applies  
 832 | to associations existing on July 1, 2018 ~~October 1, 2008~~.

833 | (b) There shall not be any material alteration of, or  
 834 | substantial addition to, the common elements of any condominium  
 835 | operated by a multicondominium association unless approved in  
 836 | the manner provided in the declaration of the affected  
 837 | condominium or condominiums as originally recorded or as amended  
 838 | under the procedures provided therein. If a declaration as  
 839 | originally recorded or as amended under the procedures provided  
 840 | therein does not specify a procedure for approving such an  
 841 | alteration or addition, the approval of 75 percent of the total  
 842 | voting interests of each affected condominium is required before  
 843 | the material alterations or substantial additions are commenced.

844 | This subsection does not prohibit a provision in any  
 845 | declaration, articles of incorporation, or bylaws as originally  
 846 | recorded or as amended under the procedures provided therein  
 847 | requiring the approval of unit owners in any condominium  
 848 | operated by the same association or requiring board approval  
 849 | before a material alteration or substantial addition to the  
 850 | common elements is permitted. This paragraph is intended to

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851 clarify existing law and applies to associations existing on  
852 July 1, 2018 ~~the effective date of this act.~~

853 (c) There shall not be any material alteration or  
854 substantial addition made to association real property operated  
855 by a multicondominium association, except as provided in the  
856 declaration, articles of incorporation, or bylaws as originally  
857 recorded or as amended under the procedures provided therein. If  
858 the declaration, articles of incorporation, or bylaws as  
859 originally recorded or as amended under the procedures provided  
860 therein do not specify the procedure for approving an alteration  
861 or addition to association real property, the approval of 75  
862 percent of the total voting interests of the association is  
863 required before the material alterations or substantial  
864 additions are commenced. This paragraph is intended to clarify  
865 existing law and applies to associations existing on July 1,  
866 2018 ~~the effective date of this act.~~

867 (8) The Legislature finds that the use of electric  
868 vehicles conserves and protects the state's environmental  
869 resources, provides significant economic savings to drivers, and  
870 serves an important public interest. The participation of  
871 condominium associations is essential to the state's efforts to  
872 conserve and protect the state's environmental resources and  
873 provide economic savings to drivers. Therefore, the installation  
874 of an electric vehicle charging station shall be governed as  
875 follows:

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876 (a) A declaration of condominium or restrictive covenant  
 877 may not prohibit or be enforced so as to prohibit any unit owner  
 878 from installing an electric vehicle charging station within the  
 879 boundaries of the unit owner's limited common element parking  
 880 area. The board of administration of a condominium association  
 881 may not prohibit a unit owner from installing an electric  
 882 vehicle charging station for an electric vehicle, as defined in  
 883 s. 320.01, within the boundaries of his or her limited common  
 884 element parking area. The installation of such charging stations  
 885 are subject to the provisions of this subsection.

886 (b) The installation may not cause irreparable damage to  
 887 the condominium property.

888 (c) The electricity for the electric vehicle charging  
 889 station must be separately metered and payable by the unit owner  
 890 installing such charging station.

891 (d) The unit owner who is installing an electric vehicle  
 892 charging station is responsible for the costs of installation,  
 893 operation, maintenance, and repair, including, but not limited  
 894 to, hazard and liability insurance. The association may enforce  
 895 payment of such costs pursuant to s. 718.116.

896 (e) If the unit owner or his or her successor decides  
 897 there is no longer a need for the electronic vehicle charging  
 898 station, such person is responsible for the cost of removal of  
 899 the electronic vehicle charging station. The association may  
 900 enforce payment of such costs pursuant to s. 718.116.

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- 901        (f) The association may require the unit owner to:
- 902        1. Comply with bona fide safety requirements, consistent
- 903 with applicable building codes or recognized safety standards,
- 904 for the protection of persons and property.
- 905        2. Comply with reasonable architectural standards adopted
- 906 by the association that govern the dimensions, placement, or
- 907 external appearance of the electric vehicle charging station,
- 908 provided that such standards may not prohibit the installation
- 909 of such charging station or substantially increase the cost
- 910 thereof.
- 911        3. Engage the services of a licensed and registered
- 912 electrical contractor or engineer familiar with the installation
- 913 and core requirements of an electric vehicle charging station.
- 914        4. Provide a certificate of insurance naming the
- 915 association as an additional insured on the owner's insurance
- 916 policy for any claim related to the installation, maintenance,
- 917 or use of the electric vehicle charging station within 14 days
- 918 after receiving the association's approval to install such
- 919 charging station.
- 920        5. Reimburse the association for the actual cost of any
- 921 increased insurance premium amount attributable to the electric
- 922 vehicle charging station within 14 days after receiving the
- 923 association's insurance premium invoice.
- 924        (g) The association provides an implied easement across
- 925 the common elements of the condominium property to the unit

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926 | owner for purposes of the installation of the electric vehicle  
 927 | charging station and the furnishing of electrical power,  
 928 | including any necessary equipment, to such charging station,  
 929 | subject to the requirements of this subsection.

930 | Section 4. Subsection (2) of section 718.121, Florida  
 931 | Statutes, is amended to read:

932 | 718.121 Liens.—

933 | (2) Labor performed on or materials furnished to a unit  
 934 | shall not be the basis for the filing of a lien pursuant to part  
 935 | I of chapter 713, the Construction Lien Law, against the unit or  
 936 | condominium parcel of any unit owner not expressly consenting to  
 937 | or requesting the labor or materials. Labor performed on or  
 938 | materials furnished for the installation of an electronic  
 939 | vehicle charging station pursuant to s. 718.113(8) may not be  
 940 | the basis for filing a lien under part I of chapter 713 against  
 941 | the association, but such a lien may filed against the unit  
 942 | owner. Labor performed on or materials furnished to the common  
 943 | elements are not the basis for a lien on the common elements,  
 944 | but if authorized by the association, the labor or materials are  
 945 | deemed to be performed or furnished with the express consent of  
 946 | each unit owner and may be the basis for the filing of a lien  
 947 | against all condominium parcels in the proportions for which the  
 948 | owners are liable for common expenses.

949 | Section 5. Subsection (3) of section 718.3026, Florida  
 950 | Statutes, is amended to read:

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951           718.3026 Contracts for products and services; in writing;  
952 bids; exceptions.—Associations with 10 or fewer units may opt  
953 out of the provisions of this section if two-thirds of the unit  
954 owners vote to do so, which opt-out may be accomplished by a  
955 proxy specifically setting forth the exception from this  
956 section.

957           ~~(3) As to any contract or other transaction between an~~  
958 ~~association and one or more of its directors or any other~~  
959 ~~corporation, firm, association, or entity in which one or more~~  
960 ~~of its directors are directors or officers or are financially~~  
961 ~~interested:~~

962           ~~(a) The association shall comply with the requirements of~~  
963 ~~s. 617.0832.~~

964           ~~(b) The disclosures required by s. 617.0832 shall be~~  
965 ~~entered into the written minutes of the meeting.~~

966           ~~(c) Approval of the contract or other transaction shall~~  
967 ~~require an affirmative vote of two-thirds of the directors~~  
968 ~~present.~~

969           ~~(d) At the next regular or special meeting of the members,~~  
970 ~~the existence of the contract or other transaction shall be~~  
971 ~~disclosed to the members. Upon motion of any member, the~~  
972 ~~contract or transaction shall be brought up for a vote and may~~  
973 ~~be canceled by a majority vote of the members present. Should~~  
974 ~~the members cancel the contract, the association shall only be~~  
975 ~~liable for the reasonable value of goods and services provided~~

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976 | ~~up to the time of cancellation and shall not be liable for any~~  
 977 | ~~termination fee, liquidated damages, or other form of penalty~~  
 978 | ~~for such cancellation.~~

979 | Section 6. Section 718.3027, Florida Statutes, is amended  
 980 | to read:

981 | 718.3027 Conflicts of interest.—

982 | (1) Directors and officers of a board of an association  
 983 | that is not a timeshare condominium association, and the  
 984 | relatives of such directors and officers, must disclose to the  
 985 | board any activity that may reasonably be construed to be a  
 986 | conflict of interest. A rebuttable presumption of a conflict of  
 987 | interest exists if any of the following occurs without prior  
 988 | notice, as required in subsection (5)~~(4)~~:

989 | (a) A director or an officer, or a relative of a director  
 990 | or an officer, enters into a contract for goods or services with  
 991 | the association.

992 | (b) A director or an officer, or a relative of a director  
 993 | or an officer, holds an interest in a corporation, limited  
 994 | liability corporation, partnership, limited liability  
 995 | partnership, or other business entity that conducts business  
 996 | with the association or proposes to enter into a contract or  
 997 | other transaction with the association.

998 | (2) If a director or an officer, or a relative of a  
 999 | director or an officer, proposes to engage in an activity that  
 1000 | is a conflict of interest, as described in subsection (1), the



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1001 proposed activity must be listed on, and all contracts and  
1002 transactional documents related to the proposed activity must be  
1003 attached to, the meeting agenda. The association shall comply  
1004 with the requirements of s. 617.0832, and the disclosures  
1005 required by s. 617.0832 shall be entered into the written  
1006 minutes of the meeting. Approval of the contract or other  
1007 transaction requires an affirmative vote of two-thirds of all  
1008 other directors present. At the next regular or special meeting  
1009 of the members, the existence of the contract or other  
1010 transaction shall be disclosed to the members. Upon motion of  
1011 any member, the contract or transaction shall be brought up for  
1012 a vote and may be canceled by a majority vote of the members  
1013 present. If the contract is canceled, the association is only  
1014 liable for the reasonable value of the goods and services  
1015 provided up to the time of cancellation and is not liable for  
1016 any termination fee, liquidated damages, or other form of  
1017 penalty for such cancellation.

1018 (3) If the board votes against the proposed activity, the  
1019 director or officer, or the relative of the director or officer,  
1020 must notify the board in writing of his or her intention not to  
1021 pursue the proposed activity or to withdraw from office. If the  
1022 board finds that an officer or a director has violated this  
1023 subsection, the officer or director shall be deemed removed from  
1024 office. The vacancy shall be filled according to general law.

1025 (4)~~(3)~~ A director or an officer, or a relative of a

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1026 | director or an officer, who is a party to, or has an interest  
 1027 | in, an activity that is a possible conflict of interest, as  
 1028 | described in subsection (1), may attend the meeting at which the  
 1029 | activity is considered by the board and is authorized to make a  
 1030 | presentation to the board regarding the activity. After the  
 1031 | presentation, the director or officer, or the relative of the  
 1032 | director or officer, must leave the meeting during the  
 1033 | discussion of, and the vote on, the activity. A director or an  
 1034 | officer who is a party to, or has an interest in, the activity  
 1035 | must recuse himself or herself from the vote.

1036 |        (5)~~(4)~~ A contract entered into between a director or an  
 1037 | officer, or a relative of a director or an officer, and the  
 1038 | association, which is not a timeshare condominium association,  
 1039 | that has not been properly disclosed as a conflict of interest  
 1040 | or potential conflict of interest as required by s.

1041 | 718.111(12)(g) is voidable and terminates upon the filing of a  
 1042 | written notice terminating the contract with the board of  
 1043 | directors which contains the consent of at least 20 percent of  
 1044 | the voting interests of the association.

1045 |        (6)~~(5)~~ As used in this section, the term "relative" means  
 1046 | a relative within the third degree of consanguinity by blood or  
 1047 | marriage.

1048 |        Section 7. Paragraph (b) of subsection (3) of section  
 1049 | 718.303, Florida Statutes, is amended to read:

1050 |        718.303 Obligations of owners and occupants; remedies.—

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1051 (3) The association may levy reasonable fines for the  
1052 failure of the owner of the unit or its occupant, licensee, or  
1053 invitee to comply with any provision of the declaration, the  
1054 association bylaws, or reasonable rules of the association. A  
1055 fine may not become a lien against a unit. A fine may be levied  
1056 by the board on the basis of each day of a continuing violation,  
1057 with a single notice and opportunity for hearing before a  
1058 committee as provided in paragraph (b). However, the fine may  
1059 not exceed \$100 per violation, or \$1,000 in the aggregate.

1060 (b) A fine or suspension levied by the board of  
1061 administration may not be imposed unless the board first  
1062 provides at least 14 days' written notice ~~and an opportunity for~~  
1063 ~~a hearing~~ to the unit owner and, if applicable, any its  
1064 occupant, licensee, or invitee of the unit owner sought to be  
1065 fined or suspended and an opportunity for a hearing. ~~The hearing~~  
1066 ~~must be held~~ before a committee of at least three members  
1067 appointed by the board who are not officers, directors, or  
1068 employees of the association, or the spouse, parent, child,  
1069 brother, or sister of an officer, director, or employee ~~other~~  
1070 ~~unit owners who are neither board members nor persons residing~~  
1071 ~~in a board member's household.~~ The role of the committee is  
1072 limited to determining whether to confirm or reject the fine or  
1073 suspension levied by the board. If the committee does not  
1074 approve ~~agree~~, the proposed fine or suspension by majority vote,  
1075 the fine or suspension may not be imposed. If the proposed fine

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1076 | or suspension is approved by the committee, the fine payment is  
 1077 | due 5 days after the date of the committee meeting at which the  
 1078 | fine is approved. The association must provide written notice of  
 1079 | such fine or suspension by mail or hand delivery to the unit  
 1080 | owner and, if applicable, to any tenant, licensee, or invitee of  
 1081 | the unit owner.

1082 |       Section 8. Section 718.707, Florida Statutes, is amended  
 1083 | to read:

1084 |       718.707 Time limitation for classification as bulk  
 1085 | assignee or bulk buyer.—A person acquiring condominium parcels  
 1086 | may not be classified as a bulk assignee or bulk buyer unless  
 1087 | the condominium parcels were acquired on or after July 1, 2010,  
 1088 | ~~but before July 1, 2018.~~ The date of such acquisition shall be  
 1089 | determined by the date of recording a deed or other instrument  
 1090 | of conveyance for such parcels in the public records of the  
 1091 | county in which the condominium is located, or by the date of  
 1092 | issuing a certificate of title in a foreclosure proceeding with  
 1093 | respect to such condominium parcels.

1094 |       Section 9. Paragraphs (a) and (b) of subsection (2) of  
 1095 | section 719.104, Florida Statutes, are amended to read:

1096 |       719.104 Cooperatives; access to units; records; financial  
 1097 | reports; assessments; purchase of leases.—

1098 |       (2) OFFICIAL RECORDS.—

1099 |       (a) From the inception of the association, the association  
 1100 | shall maintain a copy of each of the following, where

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1101 applicable, which shall constitute the official records of the  
 1102 association:

- 1103 1. The plans, permits, warranties, and other items  
 1104 provided by the developer pursuant to s. 719.301(4).
- 1105 2. A photocopy of the cooperative documents.
- 1106 3. A copy of the current rules of the association.
- 1107 4. A book or books containing the minutes of all meetings  
 1108 of the association, of the board of directors, and of the unit  
 1109 owners, ~~which minutes shall be retained for a period of not less~~  
 1110 ~~than 7 years.~~
- 1111 5. A current roster of all unit owners and their mailing  
 1112 addresses, unit identifications, voting certifications, and, if  
 1113 known, telephone numbers. The association shall also maintain  
 1114 the e-mail ~~electronic mailing~~ addresses and the numbers  
 1115 designated by unit owners for receiving notice sent by  
 1116 electronic transmission of those unit owners consenting to  
 1117 receive notice by electronic transmission. The e-mail ~~electronic~~  
 1118 ~~mailing~~ addresses and numbers provided by unit owners to receive  
 1119 notice by electronic transmission shall be removed from  
 1120 association records when consent to receive notice by electronic  
 1121 transmission is revoked. However, the association is not liable  
 1122 for an erroneous disclosure of the e-mail ~~electronic mail~~  
 1123 address or the number for receiving electronic transmission of  
 1124 notices.
- 1125 6. All current insurance policies of the association.

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1126           7. A current copy of any management agreement, lease, or  
 1127 other contract to which the association is a party or under  
 1128 which the association or the unit owners have an obligation or  
 1129 responsibility.

1130           8. Bills of sale or transfer for all property owned by the  
 1131 association.

1132           9. Accounting records for the association and separate  
 1133 accounting records for each unit it operates, according to good  
 1134 accounting practices. ~~All accounting records shall be maintained~~  
 1135 ~~for a period of not less than 7 years.~~ The accounting records  
 1136 shall include, but not be limited to:

1137           a. Accurate, itemized, and detailed records of all  
 1138 receipts and expenditures.

1139           b. A current account and a monthly, bimonthly, or  
 1140 quarterly statement of the account for each unit designating the  
 1141 name of the unit owner, the due date and amount of each  
 1142 assessment, the amount paid upon the account, and the balance  
 1143 due.

1144           c. All audits, reviews, accounting statements, and  
 1145 financial reports of the association.

1146           d. All contracts for work to be performed. Bids for work  
 1147 to be performed shall also be considered official records and  
 1148 shall be maintained for a period of 1 year.

1149           10. Ballots, sign-in sheets, voting proxies, and all other  
 1150 papers and electronic records relating to voting by unit owners,

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1151 | which shall be maintained for a period of 1 year after the date  
 1152 | of the election, vote, or meeting to which the document relates.

1153 |       11. All rental records where the association is acting as  
 1154 | agent for the rental of units.

1155 |       12. A copy of the current question and answer sheet as  
 1156 | described in s. 719.504.

1157 |       13. All other written records of the association not  
 1158 | specifically included in the foregoing which are related to the  
 1159 | operation of the association.

1160 |       (b) The official records of the association must be  
 1161 | maintained within the state for at least 7 years. The records of  
 1162 | the association shall be made available to a unit owner within  
 1163 | 45 miles of the cooperative property or within the county in  
 1164 | which the cooperative property is located within 10 ~~5~~ working  
 1165 | days after receipt of written request by the board or its  
 1166 | designee. This paragraph may be complied with by having a copy  
 1167 | of the official records of the association available for  
 1168 | inspection or copying on the cooperative property or the  
 1169 | association may offer the option of making the records available  
 1170 | to a unit owner electronically via the Internet or by allowing  
 1171 | the records to be viewed in an electronic format on a computer  
 1172 | screen and printed upon request. The association is not  
 1173 | responsible for the use or misuse of the information provided to  
 1174 | an association member or his or her authorized representative  
 1175 | pursuant to the compliance requirements of this chapter unless

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1176 | the association has an affirmative duty not to disclose such  
 1177 | information pursuant to this chapter.

1178 |         Section 10. Paragraphs (a), (c), and (d) of subsection (1)  
 1179 | of section 719.106, Florida Statutes, are amended, and paragraph  
 1180 | (m) is added to that subsection, to read:

1181 |             719.106 Bylaws; cooperative ownership.—

1182 |             (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
 1183 | documents shall provide for the following, and if they do not,  
 1184 | they shall be deemed to include the following:

1185 |             (a) Administration.—

1186 |             1. The form of administration of the association shall be  
 1187 | described, indicating the titles of the officers and board of  
 1188 | administration and specifying the powers, duties, manner of  
 1189 | selection and removal, and compensation, if any, of officers and  
 1190 | board members. In the absence of such a provision, the board of  
 1191 | administration shall be composed of five members, unless the  
 1192 | cooperative ~~except in the case of cooperatives~~ has ~~having~~ five  
 1193 | or fewer units, ~~in which case in not-for-profit corporations,~~  
 1194 | The board shall consist of not fewer than three members in  
 1195 | cooperatives with five or fewer units that are not-for-profit  
 1196 | corporations. In a residential cooperative association of more  
 1197 | than 10 units, co-owners of a unit may not serve as members of  
 1198 | the board of directors at the same time unless the co-owners own  
 1199 | more than one unit or unless there are not enough eligible  
 1200 | candidates to fill the vacancies on the board at the time of the



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1201 vacancy. In the absence of provisions to the contrary, the board  
1202 of administration shall have a president, a secretary, and a  
1203 treasurer, who shall perform the duties of those offices  
1204 customarily performed by officers of corporations. Unless  
1205 prohibited in the bylaws, the board of administration may  
1206 appoint other officers and grant them those duties it deems  
1207 appropriate. Unless otherwise provided in the bylaws, the  
1208 officers shall serve without compensation and at the pleasure of  
1209 the board. Unless otherwise provided in the bylaws, the members  
1210 of the board shall serve without compensation.

1211 2. A person who has been suspended or removed by the  
1212 division under this chapter, or who is delinquent in the payment  
1213 of any monetary obligation due to the association, is not  
1214 eligible to be a candidate for board membership and may not be  
1215 listed on the ballot. A director or officer charged by  
1216 information or indictment with a felony theft or embezzlement  
1217 offense involving the association's funds or property is  
1218 suspended from office. The board shall fill the vacancy  
1219 according to general law until the end of the period of the  
1220 suspension or the end of the director's term of office,  
1221 whichever occurs first. However, if the charges are resolved  
1222 without a finding of guilt or without acceptance of a plea of  
1223 guilty or nolo contendere, the director or officer shall be  
1224 reinstated for any remainder of his or her term of office. A  
1225 member who has such criminal charges pending may not be

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1226 appointed or elected to a position as a director or officer. A  
1227 person who has been convicted of any felony in this state or in  
1228 any United States District Court, or who has been convicted of  
1229 any offense in another jurisdiction which would be considered a  
1230 felony if committed in this state, is not eligible for board  
1231 membership unless such felon's civil rights have been restored  
1232 for at least 5 years as of the date such person seeks election  
1233 to the board. The validity of an action by the board is not  
1234 affected if it is later determined that a board member is  
1235 ineligible for board membership due to having been convicted of  
1236 a felony.

1237         3. When a unit owner files a written inquiry by certified  
1238 mail with the board of administration, the board shall respond  
1239 in writing to the unit owner within 30 days of receipt of the  
1240 inquiry. The board's response shall either give a substantive  
1241 response to the inquirer, notify the inquirer that a legal  
1242 opinion has been requested, or notify the inquirer that advice  
1243 has been requested from the division. If the board requests  
1244 advice from the division, the board shall, within 10 days of its  
1245 receipt of the advice, provide in writing a substantive response  
1246 to the inquirer. If a legal opinion is requested, the board  
1247 shall, within 60 days after the receipt of the inquiry, provide  
1248 in writing a substantive response to the inquirer. The failure  
1249 to provide a substantive response to the inquirer as provided  
1250 herein precludes the board from recovering attorney's fees and

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1251 costs in any subsequent litigation, administrative proceeding,  
1252 or arbitration arising out of the inquiry. The association may,  
1253 through its board of administration, adopt reasonable rules and  
1254 regulations regarding the frequency and manner of responding to  
1255 the unit owners' inquiries, one of which may be that the  
1256 association is obligated to respond to only one written inquiry  
1257 per unit in any given 30-day period. In such case, any  
1258 additional inquiry or inquiries must be responded to in the  
1259 subsequent 30-day period, or periods, as applicable.

1260 (c) Board of administration meetings. Members of the board  
1261 of administration may use e-mail as a means of communication but  
1262 may not cast a vote on an association matter via e-mail.

1263 Meetings of the board of administration at which a quorum of the  
1264 members is present shall be open to all unit owners. Any unit  
1265 owner may tape record or videotape meetings of the board of  
1266 administration. The right to attend such meetings includes the  
1267 right to speak at such meetings with reference to all designated  
1268 agenda items. The division shall adopt reasonable rules  
1269 governing the tape recording and videotaping of the meeting. The  
1270 association may adopt reasonable written rules governing the  
1271 frequency, duration, and manner of unit owner statements.

1272 Adequate notice of all meetings shall be posted in a conspicuous  
1273 place upon the cooperative property at least 48 continuous hours  
1274 preceding the meeting, except in an emergency. Any item not  
1275 included on the notice may be taken up on an emergency basis by

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1276 at least a majority plus one of the members of the board. Such  
1277 emergency action shall be noticed and ratified at the next  
1278 regular meeting of the board. Notice of any meeting in which  
1279 regular or special assessments against unit owners are to be  
1280 considered must specifically state that assessments will be  
1281 considered and provide the estimated cost and description of the  
1282 purpose for such assessments. ~~However,~~ Written notice of any  
1283 meeting at which nonemergency special assessments, or at which  
1284 amendment to rules regarding unit use, will be considered shall  
1285 be mailed, delivered, or electronically transmitted to the unit  
1286 owners and posted conspicuously on the cooperative property not  
1287 less than 14 days before the meeting. Evidence of compliance  
1288 with this 14-day notice shall be made by an affidavit executed  
1289 by the person providing the notice and filed among the official  
1290 records of the association. Upon notice to the unit owners, the  
1291 board shall by duly adopted rule designate a specific location  
1292 on the cooperative property upon which all notices of board  
1293 meetings shall be posted. In lieu of or in addition to the  
1294 physical posting of notice of any meeting of the board of  
1295 administration on the cooperative property, the association may,  
1296 by reasonable rule, adopt a procedure for conspicuously posting  
1297 and repeatedly broadcasting the notice and the agenda on a  
1298 closed-circuit cable television system serving the cooperative  
1299 association. However, if broadcast notice is used in lieu of a  
1300 notice posted physically on the cooperative property, the notice

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1301 and agenda must be broadcast at least four times every broadcast  
1302 hour of each day that a posted notice is otherwise required  
1303 under this section. When broadcast notice is provided, the  
1304 notice and agenda must be broadcast in a manner and for a  
1305 sufficient continuous length of time so as to allow an average  
1306 reader to observe the notice and read and comprehend the entire  
1307 content of the notice and the agenda. In addition to any of the  
1308 authorized means of providing notice of a meeting of the board,  
1309 the association may, by rule, adopt a procedure for  
1310 conspicuously posting the meeting notice and the agenda on a  
1311 website serving the cooperative association for at least the  
1312 minimum period of time for which a notice of a meeting is also  
1313 required to be physically posted on the cooperative property.  
1314 Any rule adopted shall, in addition to other matters, include a  
1315 requirement that the association send an electronic notice in  
1316 the same manner as a notice for a meeting of the members, which  
1317 must include a hyperlink to the website where the notice is  
1318 posted, to unit owners whose e-mail addresses are included in  
1319 the association's official records. ~~Notice of any meeting in~~  
1320 ~~which regular assessments against unit owners are to be~~  
1321 ~~considered for any reason shall specifically contain a statement~~  
1322 ~~that assessments will be considered and the nature of any such~~  
1323 ~~assessments.~~ Meetings of a committee to take final action on  
1324 behalf of the board or to make recommendations to the board  
1325 regarding the association budget are subject to the provisions

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1326 of this paragraph. Meetings of a committee that does not take  
 1327 final action on behalf of the board or make recommendations to  
 1328 the board regarding the association budget are subject to the  
 1329 provisions of this section, unless those meetings are exempted  
 1330 from this section by the bylaws of the association.

1331 Notwithstanding any other law to the contrary, the requirement  
 1332 that board meetings and committee meetings be open to the unit  
 1333 owners does not apply to board or committee meetings held for  
 1334 the purpose of discussing personnel matters or meetings between  
 1335 the board or a committee and the association's attorney, with  
 1336 respect to proposed or pending litigation, if the meeting is  
 1337 held for the purpose of seeking or rendering legal advice.

1338 (d) Shareholder meetings.—There shall be an annual meeting  
 1339 of the shareholders. All members of the board of administration  
 1340 shall be elected at the annual meeting unless the bylaws provide  
 1341 for staggered election terms or for their election at another  
 1342 meeting. Any unit owner desiring to be a candidate for board  
 1343 membership must comply with subparagraph 1. The bylaws must  
 1344 provide the method for calling meetings, including annual  
 1345 meetings. Written notice, which must incorporate an  
 1346 identification of agenda items, shall be given to each unit  
 1347 owner at least 14 days before the annual meeting and posted in a  
 1348 conspicuous place on the cooperative property at least 14  
 1349 continuous days preceding the annual meeting. Upon notice to the  
 1350 unit owners, the board must by duly adopted rule designate a

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1351 specific location on the cooperative property upon which all  
 1352 notice of unit owner meetings are posted. In lieu of or in  
 1353 addition to the physical posting of the meeting notice, the  
 1354 association may, by reasonable rule, adopt a procedure for  
 1355 conspicuously posting and repeatedly broadcasting the notice and  
 1356 the agenda on a closed-circuit cable television system serving  
 1357 the cooperative association. However, if broadcast notice is  
 1358 used in lieu of a posted notice, the notice and agenda must be  
 1359 broadcast at least four times every broadcast hour of each day  
 1360 that a posted notice is otherwise required under this section.  
 1361 If broadcast notice is provided, the notice and agenda must be  
 1362 broadcast in a manner and for a sufficient continuous length of  
 1363 time to allow an average reader to observe the notice and read  
 1364 and comprehend the entire content of the notice and the agenda.  
 1365 In addition to any of the authorized means of providing notice  
 1366 of a meeting of the shareholders, the association may, by rule,  
 1367 adopt a procedure for conspicuously posting the meeting notice  
 1368 and the agenda on a website serving the cooperative association  
 1369 for at least the minimum period of time for which a notice of a  
 1370 meeting is also required to be physically posted on the  
 1371 cooperative property. Any rule adopted shall, in addition to  
 1372 other matters, include a requirement that the association send  
 1373 an electronic notice in the same manner as a notice for a  
 1374 meeting of the members, which must include a hyperlink to the  
 1375 website where the notice is posted, to unit owners whose e-mail

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1376 | addresses are included in the association's official records.  
1377 | Unless a unit owner waives in writing the right to receive  
1378 | notice of the annual meeting, the notice of the annual meeting  
1379 | must be sent by mail, hand delivered, or electronically  
1380 | transmitted to each unit owner. An officer of the association  
1381 | must provide an affidavit or United States Postal Service  
1382 | certificate of mailing, to be included in the official records  
1383 | of the association, affirming that notices of the association  
1384 | meeting were mailed, hand delivered, or electronically  
1385 | transmitted, in accordance with this provision, to each unit  
1386 | owner at the address last furnished to the association.

1387 |       1. The board of administration shall be elected by written  
1388 | ballot or voting machine. A proxy may not be used in electing  
1389 | the board of administration in general elections or elections to  
1390 | fill vacancies caused by recall, resignation, or otherwise  
1391 | unless otherwise provided in this chapter.

1392 |       a. At least 60 days before a scheduled election, the  
1393 | association shall mail, deliver, or transmit, whether by  
1394 | separate association mailing, delivery, or electronic  
1395 | transmission or included in another association mailing,  
1396 | delivery, or electronic transmission, including regularly  
1397 | published newsletters, to each unit owner entitled to vote, a  
1398 | first notice of the date of the election. Any unit owner or  
1399 | other eligible person desiring to be a candidate for the board  
1400 | of administration must give written notice to the association at



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1401 | least 40 days before a scheduled election. Together with the  
1402 | written notice and agenda as set forth in this section, the  
1403 | association shall mail, deliver, or electronically transmit a  
1404 | second notice of election to all unit owners entitled to vote,  
1405 | together with a ballot that lists all candidates. Upon request  
1406 | of a candidate, the association shall include an information  
1407 | sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1408 | furnished by the candidate at least 35 days before the election,  
1409 | to be included with the mailing, delivery, or electronic  
1410 | transmission of the ballot, with the costs of mailing, delivery,  
1411 | or transmission and copying to be borne by the association. The  
1412 | association is not liable for the contents of the information  
1413 | sheets provided by the candidates. In order to reduce costs, the  
1414 | association may print or duplicate the information sheets on  
1415 | both sides of the paper. The division shall by rule establish  
1416 | voting procedures consistent with this subparagraph, including  
1417 | rules establishing procedures for giving notice by electronic  
1418 | transmission and rules providing for the secrecy of ballots.  
1419 | Elections shall be decided by a plurality of those ballots cast.  
1420 | There is no quorum requirement. However, at least 20 percent of  
1421 | the eligible voters must cast a ballot in order to have a valid  
1422 | election. A unit owner may not permit any other person to vote  
1423 | his or her ballot, and any such ballots improperly cast are  
1424 | invalid. A unit owner who needs assistance in casting the ballot  
1425 | for the reasons stated in s. 101.051 may obtain assistance in

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1426 casting the ballot. Any unit owner violating this provision may  
 1427 be fined by the association in accordance with s. 719.303. The  
 1428 regular election must occur on the date of the annual meeting.  
 1429 This subparagraph does not apply to timeshare cooperatives.  
 1430 Notwithstanding this subparagraph, an election and balloting are  
 1431 not required unless more candidates file a notice of intent to  
 1432 run or are nominated than vacancies exist on the board. Any  
 1433 challenge to the election process must be commenced within 60  
 1434 days after the election results are announced.

1435       b. Within 90 days after being elected or appointed to the  
 1436 board, each new director shall certify in writing to the  
 1437 secretary of the association that he or she has read the  
 1438 association's bylaws, articles of incorporation, proprietary  
 1439 lease, and current written policies; that he or she will work to  
 1440 uphold such documents and policies to the best of his or her  
 1441 ability; and that he or she will faithfully discharge his or her  
 1442 fiduciary responsibility to the association's members. Within 90  
 1443 days after being elected or appointed to the board, in lieu of  
 1444 this written certification, the newly elected or appointed  
 1445 director may submit a certificate of having satisfactorily  
 1446 completed the educational curriculum administered by an  
 1447 education provider as approved by the division pursuant to the  
 1448 requirements established in chapter 718 within 1 year before or  
 1449 90 days after the date of election or appointment. The  
 1450 educational certificate is valid and does not have to be

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1451 resubmitted as long as the director serves on the board without  
1452 interruption. A director who fails to timely file the written  
1453 certification or educational certificate is suspended from  
1454 service on the board until he or she complies with this sub-  
1455 subparagraph. The board may temporarily fill the vacancy during  
1456 the period of suspension. The secretary of the association shall  
1457 cause the association to retain a director's written  
1458 certification or educational certificate for inspection by the  
1459 members for 5 years after a director's election or the duration  
1460 of the director's uninterrupted tenure, whichever is longer.  
1461 Failure to have such written certification or educational  
1462 certificate on file does not affect the validity of any board  
1463 action.

1464       2. Any approval by unit owners called for by this chapter,  
1465 or the applicable cooperative documents, must be made at a duly  
1466 noticed meeting of unit owners and is subject to this chapter or  
1467 the applicable cooperative documents relating to unit owner  
1468 decisionmaking, except that unit owners may take action by  
1469 written agreement, without meetings, on matters for which action  
1470 by written agreement without meetings is expressly allowed by  
1471 the applicable cooperative documents or law which provides for  
1472 the unit owner action.

1473       3. Unit owners may waive notice of specific meetings if  
1474 allowed by the applicable cooperative documents or law. Notice  
1475 of meetings of the board of administration, shareholder

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1476 meetings, except shareholder meetings called to recall board  
1477 members under paragraph (f), and committee meetings may be given  
1478 by electronic transmission to unit owners who consent to receive  
1479 notice by electronic transmission. A unit owner who consents to  
1480 receiving notices by electronic transmission is solely  
1481 responsible for removing or bypassing filters that may block  
1482 receipt of mass emails sent to members on behalf of the  
1483 association in the course of giving electronic notices.

1484 4. Unit owners have the right to participate in meetings  
1485 of unit owners with reference to all designated agenda items.  
1486 However, the association may adopt reasonable rules governing  
1487 the frequency, duration, and manner of unit owner participation.

1488 5. Any unit owner may tape record or videotape meetings of  
1489 the unit owners subject to reasonable rules adopted by the  
1490 division.

1491 6. Unless otherwise provided in the bylaws, a vacancy  
1492 occurring on the board before the expiration of a term may be  
1493 filled by the affirmative vote of the majority of the remaining  
1494 directors, even if the remaining directors constitute less than  
1495 a quorum, or by the sole remaining director. In the alternative,  
1496 a board may hold an election to fill the vacancy, in which case  
1497 the election procedures must conform to the requirements of  
1498 subparagraph 1. unless the association has opted out of the  
1499 statutory election process, in which case the bylaws of the  
1500 association control. Unless otherwise provided in the bylaws, a

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1501 board member appointed or elected under this subparagraph shall  
 1502 fill the vacancy for the unexpired term of the seat being  
 1503 filled. Filling vacancies created by recall is governed by  
 1504 paragraph (f) and rules adopted by the division.

1505  
 1506 Notwithstanding subparagraphs (b)2. and (d)1., an association  
 1507 may, by the affirmative vote of a majority of the total voting  
 1508 interests, provide for a different voting and election procedure  
 1509 in its bylaws, which vote may be by a proxy specifically  
 1510 delineating the different voting and election procedures. The  
 1511 different voting and election procedures may provide for  
 1512 elections to be conducted by limited or general proxy.

1513 (m) Director or officer delinquencies.—A director or  
 1514 officer more than 90 days delinquent in the payment of any  
 1515 monetary obligation due the association shall be deemed to have  
 1516 abandoned the office, creating a vacancy in the office to be  
 1517 filled according to law.

1518 Section 11. Paragraph (b) of subsection (1) of section  
 1519 719.107, Florida Statutes, is amended to read:

1520 719.107 Common expenses; assessment.—

1521 (1)

1522 (b) If so provided in the bylaws, the cost of  
 1523 communications services as defined in chapter 202, information  
 1524 services or Internet services ~~a master antenna television system~~  
 1525 ~~or duly franchised cable television service~~ obtained pursuant to

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1526 a bulk contract shall be deemed a common expense, and if not  
 1527 obtained pursuant to a bulk contract, such cost shall be  
 1528 considered common expense if it is designated as such in a  
 1529 written contract between the board of administration and the  
 1530 company providing the communications services as defined in  
 1531 chapter 202, information services or Internet services ~~master~~  
 1532 ~~television antenna system or the cable television service~~. The  
 1533 contract shall be for a term of not less than 2 years.

1534 1. Any contract made by the board after April 2, 1992, for  
 1535 a community antenna system or duly franchised cable television  
 1536 service, communications services as defined in chapter 202,  
 1537 information services or Internet services may be canceled by a  
 1538 majority of the voting interests present at the next regular or  
 1539 special meeting of the association. Any member may make a motion  
 1540 to cancel the contract, but if no motion is made or if such  
 1541 motion fails to obtain the required majority at the next regular  
 1542 or special meeting, whichever is sooner, following the making of  
 1543 the contract, then such contract shall be deemed ratified for  
 1544 the term therein expressed.

1545 2. Any such contract shall provide, and shall be deemed to  
 1546 provide if not expressly set forth, that any hearing impaired or  
 1547 legally blind unit owner who does not occupy the unit with a  
 1548 nonhearing impaired or sighted person may discontinue the  
 1549 service without incurring disconnect fees, penalties, or  
 1550 subsequent service charges, and as to such units, the owners

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1551 shall not be required to pay any common expenses charge related  
 1552 to such service. If less than all members of an association  
 1553 share the expenses of cable television, the expense shall be  
 1554 shared equally by all participating unit owners. The association  
 1555 may use the provisions of s. 719.108 to enforce payment of the  
 1556 shares of such costs by the unit owners receiving cable  
 1557 television.

1558 Section 12. Paragraph (b) of subsection (3) of section  
 1559 719.303, Florida Statutes, is amended to read:

1560 719.303 Obligations of owners.—

1561 (3) The association may levy reasonable fines for failure  
 1562 of the unit owner or the unit's occupant, licensee, or invitee  
 1563 to comply with any provision of the cooperative documents or  
 1564 reasonable rules of the association. A fine may not become a  
 1565 lien against a unit. A fine may be levied by the board on the  
 1566 basis of each day of a continuing violation, with a single  
 1567 notice and opportunity for hearing before a committee as  
 1568 provided in paragraph (b). However, the fine may not exceed \$100  
 1569 per violation, or \$1,000 in the aggregate.

1570 (b) A fine or suspension levied by the board of  
 1571 administration may not be imposed unless the board first  
 1572 provides at least 14 days' written notice ~~and an opportunity for~~  
 1573 ~~a hearing~~ to the unit owner and, if applicable, any its  
 1574 occupant, licensee, or invitee of the unit owner sought to be  
 1575 fined or suspended and an opportunity for a hearing. ~~The hearing~~

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1576 ~~must be held~~ before a committee of at least three members  
1577 appointed by the board who are not officers, directors, or  
1578 employees of the association, or the spouse, parent, child,  
1579 brother, or sister of an officer, director, or employee ~~other~~  
1580 ~~unit owners who are neither board members nor persons residing~~  
1581 ~~in a board member's household.~~ The role of the committee is  
1582 limited to determining whether to confirm or reject the fine or  
1583 suspension levied by the board. If the committee does not  
1584 approve ~~agree with~~ the proposed fine or suspension by majority  
1585 vote, the fine or suspension ~~it~~ may not be imposed. If the  
1586 proposed fine or suspension is approved by the committee, the  
1587 fine payment is due 5 days after the date of the committee  
1588 meeting at which the fine is approved. The association must  
1589 provide written notice of such fine or suspension by mail or  
1590 hand delivery to the unit owner and, if applicable, to any  
1591 tenant, licensee, or invitee of the unit owner.

1592 Section 13. Paragraphs (a) and (c) of subsection (2) of  
1593 section 720.303, Florida Statutes, are amended, to read:

1594 720.303 Association powers and duties; meetings of board;  
1595 official records; budgets; financial reporting; association  
1596 funds; recalls.—

1597 (2) BOARD MEETINGS.—

1598 (a) Members of the board of administration may use e-mail  
1599 as a means of communication, but may not cast a vote on an  
1600 association matter via e-mail. A meeting of the board of



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1601 directors of an association occurs whenever a quorum of the  
1602 board gathers to conduct association business. Meetings of the  
1603 board must be open to all members, except for meetings between  
1604 the board and its attorney with respect to proposed or pending  
1605 litigation where the contents of the discussion would otherwise  
1606 be governed by the attorney-client privilege. A meeting of the  
1607 board must be held at a location that is accessible to a  
1608 physically handicapped person if requested by a physically  
1609 handicapped person who has a right to attend the meeting. The  
1610 provisions of this subsection shall also apply to the meetings  
1611 of any committee or other similar body when a final decision  
1612 will be made regarding the expenditure of association funds and  
1613 to meetings of any body vested with the power to approve or  
1614 disapprove architectural decisions with respect to a specific  
1615 parcel of residential property owned by a member of the  
1616 community.

1617 (c) The bylaws shall provide the following for giving  
1618 notice to parcel owners and members of all board meetings and,  
1619 if they do not do so, shall be deemed to include ~~provide~~ the  
1620 following:

1621 1. Notices of all board meetings must be posted in a  
1622 conspicuous place in the community at least 48 hours in advance  
1623 of a meeting, except in an emergency. In the alternative, if  
1624 notice is not posted in a conspicuous place in the community,  
1625 notice of each board meeting must be mailed or delivered to each

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1626 member at least 7 days before the meeting, except in an  
1627 emergency. Notwithstanding this general notice requirement, for  
1628 communities with more than 100 members, the association bylaws  
1629 may provide for a reasonable alternative to posting or mailing  
1630 of notice for each board meeting, including publication of  
1631 notice, provision of a schedule of board meetings, or the  
1632 conspicuous posting and repeated broadcasting of the notice on a  
1633 closed-circuit cable television system serving the homeowners'  
1634 association. However, if broadcast notice is used in lieu of a  
1635 notice posted physically in the community, the notice must be  
1636 broadcast at least four times every broadcast hour of each day  
1637 that a posted notice is otherwise required. When broadcast  
1638 notice is provided, the notice and agenda must be broadcast in a  
1639 manner and for a sufficient continuous length of time so as to  
1640 allow an average reader to observe the notice and read and  
1641 comprehend the entire content of the notice and the agenda. The  
1642 association may provide notice by electronic transmission in a  
1643 manner authorized by law for meetings of the board of directors,  
1644 committee meetings requiring notice under this section, and  
1645 annual and special meetings of the members to any member who has  
1646 provided a facsimile number or e-mail address to the association  
1647 to be used for such purposes; however, a member must consent in  
1648 writing to receiving notice by electronic transmission.

1649 2. An assessment may not be levied at a board meeting  
1650 unless the notice of the meeting includes a statement that

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1651 assessments will be considered and the nature of the  
 1652 assessments. Written notice of any meeting at which special  
 1653 assessments will be considered or at which amendments to rules  
 1654 regarding parcel use will be considered must be mailed,  
 1655 delivered, or electronically transmitted to the members and  
 1656 parcel owners and posted conspicuously on the property or  
 1657 broadcast on closed-circuit cable television not less than 14  
 1658 days before the meeting.

1659 3. Directors may not vote by proxy or by secret ballot at  
 1660 board meetings, except that secret ballots may be used in the  
 1661 election of officers. This subsection also applies to the  
 1662 meetings of any committee or other similar body, when a final  
 1663 decision will be made regarding the expenditure of association  
 1664 funds, and to any body vested with the power to approve or  
 1665 disapprove architectural decisions with respect to a specific  
 1666 parcel of residential property owned by a member of the  
 1667 community.

1668 Section 14. Paragraph (b) of subsection (2) of section  
 1669 720.305, Florida Statutes, is amended to read:

1670 720.305 Obligations of members; remedies at law or in  
 1671 equity; levy of fines and suspension of use rights.—

1672 (2) The association may levy reasonable fines. A fine may  
 1673 not exceed \$100 per violation against any member or any member's  
 1674 tenant, guest, or invitee for the failure of the owner of the  
 1675 parcel or its occupant, licensee, or invitee to comply with any

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1676 provision of the declaration, the association bylaws, or  
1677 reasonable rules of the association unless otherwise provided in  
1678 the governing documents. A fine may be levied by the board for  
1679 each day of a continuing violation, with a single notice and  
1680 opportunity for hearing, except that the fine may not exceed  
1681 \$1,000 in the aggregate unless otherwise provided in the  
1682 governing documents. A fine of less than \$1,000 may not become a  
1683 lien against a parcel. In any action to recover a fine, the  
1684 prevailing party is entitled to reasonable attorney fees and  
1685 costs from the nonprevailing party as determined by the court.

1686 (b) A fine or suspension levied ~~may not be imposed~~ by the  
1687 board of administration may not be imposed unless the board  
1688 first provides ~~without~~ at least 14 days' notice to the parcel  
1689 owner and, if applicable, any occupant, licensee, or invitee of  
1690 the parcel owner, person sought to be fined or suspended and an  
1691 opportunity for a hearing before a committee of at least three  
1692 members appointed by the board who are not officers, directors,  
1693 or employees of the association, or the spouse, parent, child,  
1694 brother, or sister of an officer, director, or employee. If the  
1695 committee, by majority vote, does not approve a proposed fine or  
1696 suspension, the proposed fine or suspension ~~it~~ may not be  
1697 imposed. The role of the committee is limited to determining  
1698 whether to confirm or reject the fine or suspension levied by  
1699 the board. If the proposed ~~board of administration imposes a~~  
1700 fine or suspension levied by the board is approved by the

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1701 committee, the fine payment is due 5 days after the date of the  
1702 committee meeting at which the fine is approved. The association  
1703 must provide written notice of such fine or suspension by mail  
1704 or hand delivery to the parcel owner and, if applicable, to any  
1705 tenant, licensee, or invitee of the parcel owner.

1706 Section 15. Paragraph (a) of subsection (9) of section  
1707 720.306, Florida Statutes, is amended, and paragraphs (e)  
1708 through (g) are added to subsection (1) of that section, to  
1709 read:

1710 720.306 Meetings of members; voting and election  
1711 procedures; amendments.—

1712 (1) QUORUM; AMENDMENTS.—

1713 (e) A proposal to amend the governing documents must  
1714 contain the full text of the provision to be amended and may not  
1715 be revised or amended by reference solely to the title or  
1716 number. Proposed new language must be underlined and proposed  
1717 deleted language must be stricken. If the proposed change is so  
1718 extensive that underlining and striking through language would  
1719 hinder, rather than assist, the understanding of the proposed  
1720 amendment, a notation must be inserted immediately preceding the  
1721 proposed amendment in substantially the following form:  
1722 "Substantial rewording. See governing documents for current  
1723 text." An amendment to a governing document is effective when  
1724 recorded in the public records of the county in which the  
1725 community is located.

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1726 (f) An immaterial error or omission in the amendment  
 1727 process does not invalidate an otherwise properly adopted  
 1728 amendment.

1729 (g) A notice required under this section must be mailed or  
 1730 delivered to the address identified as the parcel owner's  
 1731 mailing address on the property appraiser's website for the  
 1732 county in which the parcel is located, or electronically  
 1733 transmitted in a manner authorized by the association if the  
 1734 parcel owner has consented, in writing, to receive notice by  
 1735 electronic transmission.

1736 (9) ELECTIONS AND BOARD VACANCIES.—

1737 (a) Elections of directors must be conducted in accordance  
 1738 with the procedures set forth in the governing documents of the  
 1739 association. Except as provided in paragraph (b), all members of  
 1740 the association are eligible to serve on the board of directors,  
 1741 and a member may nominate himself or herself as a candidate for  
 1742 the board at a meeting where the election is to be held;  
 1743 provided, however, that if the election process allows  
 1744 candidates to be nominated in advance of the meeting, the  
 1745 association is not required to allow nominations at the meeting.  
 1746 An election is not required unless more candidates are nominated  
 1747 than vacancies exist. If an election is not required because  
 1748 there are either an equal number or fewer qualified candidates  
 1749 than vacancies exist, and if nominations from the floor are not  
 1750 required pursuant to this section or the bylaws, write-in

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1751 nominations are not permitted and such qualified candidates  
 1752 shall commence service on the board of directors, regardless of  
 1753 whether a quorum is attained at the annual meeting. Except as  
 1754 otherwise provided in the governing documents, boards of  
 1755 directors must be elected by a plurality of the votes cast by  
 1756 eligible voters. Any challenge to the election process must be  
 1757 commenced within 60 days after the election results are  
 1758 announced.

1759 Section 16. Paragraph (b) of subsection (3) of section  
 1760 720.3085, Florida Statutes, is amended to read:

1761 720.3085 Payment for assessments; lien claims.—

1762 (3) Assessments and installments on assessments that are  
 1763 not paid when due bear interest from the due date until paid at  
 1764 the rate provided in the declaration of covenants or the bylaws  
 1765 of the association, which rate may not exceed the rate allowed  
 1766 by law. If no rate is provided in the declaration or bylaws,  
 1767 interest accrues at the rate of 18 percent per year.

1768 (b) Any payment received by an association and accepted  
 1769 shall be applied first to any interest accrued, then to any  
 1770 administrative late fee, then to any costs and reasonable  
 1771 attorney fees incurred in collection, and then to the delinquent  
 1772 assessment. This paragraph applies notwithstanding any  
 1773 restrictive endorsement, designation, or instruction placed on  
 1774 or accompanying a payment. A late fee is not subject to the  
 1775 provisions of chapter 687 and is not a fine. The foregoing is

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1776 | applicable notwithstanding s. 673.3111, any purported accord and  
1777 | satisfaction, or any restrictive endorsement, designation, or  
1778 | instruction placed on or accompanying a payment. The preceding  
1779 | sentence is intended to clarify existing law.

1780 |       Section 17. This act shall take effect July 1, 2018.