

1                           A bill to be entitled  
2           An act relating to the Department of Business and  
3           Professional Regulation; amending s. 210.09, F.S.;  
4           requiring that certain reports relating to the  
5           transportation or possession of cigarettes be filed  
6           with the Division of Alcoholic Beverages and Tobacco  
7           through the division's electronic data submission  
8           system; authorizing certain records to be kept in an  
9           electronic or paper format; amending s. 210.55, F.S.;  
10          requiring that certain entities file reports, rather  
11          than returns, relating to tobacco products with the  
12          division; providing requirements for such reports;  
13          amending s. 210.60, F.S.; authorizing certain records  
14          to be kept in an electronic or paper format; amending  
15          s. 326.002, F.S.; revising the definition of the term  
16          "yacht"; amending s. 194.011, F.S.; providing that  
17          certain associations may represent, prosecute, or  
18          defend owners in certain proceedings; providing  
19          applicability; requiring specified notice be provided  
20          to unit or parcel owners in a specified way; amending  
21          s. 194.181, F.S.; providing and revising the parties  
22          considered as the defendant in a tax suit; requiring  
23          certain notice to be provided to unit owners in a  
24          specified way; providing unit owners options for  
25          defending a tax suit; imposing certain actions for

26 | unit owners who fail to respond to a specified notice;  
27 | amending s. 514.0115, F.S.; exempting certain property  
28 | association pools from Department of Health  
29 | regulations; amending s. 548.003, F.S.; renaming the  
30 | Florida State Boxing Commission as the Florida  
31 | Athletic Commission; amending s. 548.043, F.S.;  
32 | revising rulemaking requirements for the commission  
33 | relating to gloves; amending s. 561.01, F.S.; deleting  
34 | the definition of the term "permit carrier"; amending  
35 | s. 561.17, F.S.; revising a requirement related to the  
36 | filing of fingerprints with the division; requiring  
37 | that applications be accompanied by certain  
38 | information relating to right of occupancy; providing  
39 | requirements relating to contact information for  
40 | licensees and permittees; amending s. 561.20, F.S.;  
41 | conforming cross-references; revising requirements for  
42 | issuing special licenses to certain food service  
43 | establishments; amending s. 561.42, F.S.; requiring  
44 | the division, and authorizing vendors, to use  
45 | electronic mail to give certain notice; amending s.  
46 | 561.55, F.S.; revising requirements for reports  
47 | relating to alcoholic beverages; amending s. 562.455,  
48 | F.S.; removing grains of paradise from the list of  
49 | specified substances subject to penalties relating to  
50 | adulterating liquor; amending s. 627.714, F.S.;

51 prohibiting subrogation rights against a condominium  
52 association under certain circumstances; creating s.  
53 712.065, F.S.; defining the term "discriminatory  
54 restriction"; providing that discriminatory  
55 restrictions are unlawful, unenforceable, and void;  
56 providing that discriminatory restrictions are  
57 extinguished and severed from recorded title  
58 transactions; specifying that the recording of certain  
59 notices does not reimpose or preserve a discriminatory  
60 restriction; providing requirements for a parcel owner  
61 to remove a discriminatory restriction from a covenant  
62 or restriction; amending s. 718.111, F.S.; providing  
63 that a condominium association may take certain  
64 actions relating to a challenge to ad valorem taxes in  
65 its own name or on behalf of unit owners; providing  
66 applicability; requiring an association to provide a  
67 checklist to certain persons requesting records;  
68 requiring that the checklist be signed by a specified  
69 person or the association to provide an affidavit  
70 attesting to the veracity of the checklist; providing  
71 a timeframe for maintaining such checklist and  
72 affidavit; creating a rebuttable presumption; amending  
73 s. 718.112, F.S.; authorizing a condominium  
74 association to extinguish discriminatory restrictions;  
75 revising calculation of a board member's term limit;

76 providing requirements for certain notices; revising  
77 the fees an association may charge for transfers;  
78 deleting a prohibition against employing or  
79 contracting with certain service providers; amending  
80 s. 718.113, F.S.; defining the terms "natural gas  
81 fuel" and "natural gas fuel vehicle"; revising  
82 legislative findings; revising requirements for  
83 electric vehicle charging stations; providing  
84 requirements for the installation of natural gas fuel  
85 stations on property governed by condominium  
86 associations; amending s. 718.117, F.S.; conforming  
87 provisions to changes made by the act; amending s.  
88 718.121, F.S.; providing when the installation of a  
89 natural gas fuel station may be the basis of a lien;  
90 amending s. 718.1255, F.S.; authorizing parties to  
91 initiate presuit mediation under certain  
92 circumstances; specifying when arbitration is binding  
93 on the parties; providing requirements for presuit  
94 mediation; amending s. 718.202, F.S.; revising use of  
95 certain withdrawn escrow funds by developers; amending  
96 s. 718.303, F.S.; revising requirements for certain  
97 actions for failure to comply with specified  
98 provisions; revising requirements for certain fines;  
99 amending s. 718.501, F.S.; defining the term  
100 "financial issue"; authorizing the Division of

101 Condominiums, Timeshares, and Mobile Homes to adopt  
102 rules; amending s. 718.5014, F.S.; revising where the  
103 principal office of the Office of the Condominium  
104 Ombudsman must be maintained; amending s. 719.103,  
105 F.S.; revising the definition of the term "unit" to  
106 specify that an interest in a cooperative unit is an  
107 interest in real property; amending s. 719.104, F.S.;  
108 prohibiting an association from requiring certain  
109 actions relating to the inspection of records;  
110 amending s. 719.106, F.S.; revising provisions  
111 relating to a quorum and voting rights for members  
112 remotely participating in meetings; amending procedure  
113 to challenge a board member recall; authorizing  
114 cooperative associations to extinguish discriminatory  
115 restrictions; amending s. 720.303, F.S.; authorizing  
116 an association to adopt procedures for electronic  
117 meeting notices; revising the documents that  
118 constitute the official records of an association;  
119 revising when a specified statement must be included  
120 in an association's financial report; revising  
121 requirements for such statement; revising when an  
122 association is deemed to have provided for reserve  
123 accounts; amending procedure to challenge a board  
124 member recall; amending s. 720.304, F.S.; authorizing  
125 a homeowner to display certain flags; amending s.

126 720.305, F.S.; providing requirements for certain  
 127 fines; amending s. 720.306, F.S.; revising  
 128 requirements for providing certain notices; providing  
 129 limitations on associations when a parcel owner  
 130 attempts to rent or lease his or her parcel; amending  
 131 the procedure for election disputes; amending s.  
 132 720.311, F.S.; amending the procedure for election  
 133 disputes; amending s. 720.3075, F.S.; authorizing  
 134 homeowners' associations to extinguish discriminatory  
 135 restrictions; amending s. 721.15, F.S.; providing  
 136 requirements for subordinate lienholder related  
 137 timeshare estates; amending ss. 455.219, 548.002,  
 138 548.05, 548.071, and 548.077, F.S.; conforming  
 139 provisions to changes made by the act; providing an  
 140 effective date.

141  
 142 Be It Enacted by the Legislature of the State of Florida:

143  
 144 Section 1. Subsections (2) and (3) of section 210.09,  
 145 Florida Statutes, are amended to read:

146 210.09 Records to be kept; reports to be made;  
 147 examination.—

148 (2) The division is authorized to prescribe and promulgate  
 149 by rules and regulations, which shall have the force and effect  
 150 of the law, such records to be kept and reports to be made to

151 the division by any manufacturer, importer, distributing agent,  
152 wholesale dealer, retail dealer, common carrier, or any other  
153 person handling, transporting or possessing cigarettes for sale  
154 or distribution within the state as may be necessary to collect  
155 and properly distribute the taxes imposed by s. 210.02. All  
156 reports shall be made on or before the 10th day of the month  
157 following the month for which the report is made, unless the  
158 division by rule or regulation shall prescribe that reports be  
159 made more often. All reports shall be filed with the division  
160 through the division's electronic data submission system.

161 (3) All manufacturers, importers, distributing agents,  
162 wholesale dealers, agents, or retail dealers shall maintain and  
163 keep for a period of 3 years at the place of business where any  
164 transaction takes place, such records of cigarettes received,  
165 sold, or delivered within the state as may be required by the  
166 division. Such records may be kept in an electronic or paper  
167 format. The division or its duly authorized representative is  
168 hereby authorized to examine the books, papers, invoices, and  
169 other records, the stock of cigarettes in and upon any premises  
170 where the same are placed, stored, and sold, and the equipment  
171 of any such manufacturers, importers, distributing agents,  
172 wholesale dealers, agents, or retail dealers, pertaining to the  
173 sale and delivery of cigarettes taxable under this part. To  
174 verify the accuracy of the tax imposed and assessed by this  
175 part, each person is hereby directed and required to give to the

176 | division or its duly authorized representatives the means,  
 177 | facilities, and opportunity for such examinations as are herein  
 178 | provided for and required.

179 |         Section 2. Subsection (1) of section 210.55, Florida  
 180 | Statutes, is amended to read:

181 |             210.55 Distributors; monthly returns.—

182 |             (1) On or before the 10th of each month, every taxpayer  
 183 | with a place of business in this state shall file a full and  
 184 | complete report ~~return~~ with the division showing the tobacco  
 185 | products ~~taxable price of each tobacco product~~ brought or caused  
 186 | to be brought into this state for sale, or made, manufactured,  
 187 | or fabricated in this state for sale in this state, during the  
 188 | preceding month. Every taxpayer outside this state shall file a  
 189 | full and complete report with the division through the  
 190 | division's electronic data submission system ~~return~~ showing the  
 191 | quantity and taxable price of each tobacco product shipped or  
 192 | transported to retailers in this state, to be sold by those  
 193 | retailers, during the preceding month. Reports must ~~Returns~~  
 194 | ~~shall~~ be made upon forms furnished and prescribed by the  
 195 | division and must ~~shall~~ contain any other information that the  
 196 | division requires. Each report must ~~return shall~~ be accompanied  
 197 | by a remittance for the full tax liability shown and be filed  
 198 | with the division through the division's electronic data  
 199 | submission system.

200 |         Section 3. Section 210.60, Florida Statutes, is amended to



201 read:

202       210.60 Books, records, and invoices to be kept and  
203 preserved; inspection by agents of division.—Every distributor  
204 shall keep in each licensed place of business complete and  
205 accurate records for that place of business, including itemized  
206 invoices of tobacco products held, purchased, manufactured,  
207 brought in or caused to be brought in from without the state, or  
208 shipped or transported to retailers in this state, and of all  
209 sales of tobacco products made, except sales to an ultimate  
210 consumer. Such records shall show the names and addresses of  
211 purchasers and other pertinent papers and documents relating to  
212 the purchase, sale, or disposition of tobacco products. When a  
213 licensed distributor sells tobacco products exclusively to  
214 ultimate consumers at the addresses given in the license, no  
215 invoice of those sales shall be required, but itemized invoices  
216 shall be made of all tobacco products transferred to other  
217 retail outlets owned or controlled by that licensed distributor.  
218 All books, records and other papers, and other documents  
219 required by this section to be kept shall be preserved for a  
220 period of at least 3 years after the date of the documents, as  
221 aforesaid, or the date of the entries thereof appearing in the  
222 records, unless the division, in writing, authorizes their  
223 destruction or disposal at an earlier date. At any time during  
224 usual business hours, duly authorized agents or employees of the  
225 division may enter any place of business of a distributor and

226 inspect the premises, the records required to be kept under this  
227 part, and the tobacco products contained therein to determine  
228 whether all the provisions of this part are being fully complied  
229 with. Refusal to permit such inspection by a duly authorized  
230 agent or employee of the division shall be grounds for  
231 revocation of the license. Every person who sells tobacco  
232 products to persons other than an ultimate consumer shall render  
233 with each sale an itemized invoice showing the seller's name and  
234 address, the purchaser's name and address, the date of sale, and  
235 all prices and discounts. The seller shall preserve legible  
236 copies of all such invoices for 3 years from the date of sale.  
237 Every retailer shall produce itemized invoices of all tobacco  
238 products purchased. The invoices shall show the name and address  
239 of the seller and the date of purchase. The retailer shall  
240 preserve a legible copy of each such invoice for 3 years from  
241 the date of purchase. Invoices shall be available for inspection  
242 by authorized agents or employees of the division at the  
243 retailer's place of business. Any records required by this  
244 section may be kept in an electronic or paper format.

245 Section 4. Paragraph (e) of subsection (3) of section  
246 194.011, Florida Statutes, is amended to read:

247 194.011 Assessment notice; objections to assessments.—

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

250 Notwithstanding s. 195.022, a county officer may not refuse to

251 accept a form provided by the department for this purpose if the  
252 taxpayer chooses to use it. A petition to the value adjustment  
253 board must be signed by the taxpayer or be accompanied at the  
254 time of filing by the taxpayer's written authorization or power  
255 of attorney, unless the person filing the petition is listed in  
256 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a  
257 petition with a value adjustment board without the taxpayer's  
258 signature or written authorization by certifying under penalty  
259 of perjury that he or she has authorization to file the petition  
260 on behalf of the taxpayer. If a taxpayer notifies the value  
261 adjustment board that a petition has been filed for the  
262 taxpayer's property without his or her consent, the value  
263 adjustment board may require the person filing the petition to  
264 provide written authorization from the taxpayer authorizing the  
265 person to proceed with the appeal before a hearing is held. If  
266 the value adjustment board finds that a person listed in s.  
267 194.034(1)(a) willfully and knowingly filed a petition that was  
268 not authorized by the taxpayer, the value adjustment board shall  
269 require such person to provide the taxpayer's written  
270 authorization for representation to the value adjustment board  
271 clerk before any petition filed by that person is heard, for 1  
272 year after imposition of such requirement by the value  
273 adjustment board. A power of attorney or written authorization  
274 is valid for 1 assessment year, and a new power of attorney or  
275 written authorization by the taxpayer is required for each

276 subsequent assessment year. A petition shall also describe the  
277 property by parcel number and shall be filed as follows:

278 (e)1. A condominium association, as defined in s. 718.103,  
279 a cooperative association, as defined in s. 719.103, or any  
280 homeowners' association, as defined in s. 720.301 ~~s. 723.075,~~  
281 with approval of its board of administration or directors, may  
282 file with the value adjustment board a single joint petition on  
283 behalf of any association members who own units or parcels of  
284 property which the property appraiser determines are  
285 substantially similar with respect to location, proximity to  
286 amenities, number of rooms, living area, and condition. The  
287 condominium association, cooperative association, or homeowners'  
288 association ~~as defined in s. 723.075~~ shall provide the unit or  
289 parcel owners with notice of its intent to petition the value  
290 adjustment board by hand delivery or certified mail, return  
291 receipt requested, except that such notice may be electronically  
292 transmitted to a unit owner or parcel owner who has expressly  
293 consented in writing to receiving such notices by electronic  
294 transmission. If the association is a condominium or cooperative  
295 association, the notice must also be posted conspicuously on the  
296 condominium or cooperative property in the same manner as notice  
297 of board meetings under ss. 718.112(2) and 719.106(1). Such  
298 notice must ~~and shall~~ provide at least 14 ~~20~~ days for a unit or  
299 parcel owner to elect, in writing, that his or her unit or  
300 parcel not be included in the petition.

301 2. A condominium association, as defined in s. 718.103, a  
 302 cooperative association, as defined in s. 719.103, or a  
 303 homeowners' association as defined in s. 720.301, that has filed  
 304 a single joint petition under this subsection may continue to  
 305 represent, prosecute, and defend the unit owners through any  
 306 related subsequent proceeding in any tribunal, including  
 307 judicial review under part II of this chapter and any appeals.  
 308 This subparagraph is intended to clarify existing law and  
 309 applies to cases pending on July 1, 2020.

310 Section 5. Subsection (2) of section 194.181, Florida  
 311 Statutes, is amended to read:

312 194.181 Parties to a tax suit.—

313 (2) (a) In any case brought by a ~~the~~ taxpayer or a  
 314 condominium, cooperative, or homeowners' association, as defined  
 315 in ss. 718.103, 719.103, and 720.301, respectively, on behalf of  
 316 some or all unit owners, contesting the assessment of any  
 317 property, the county property appraiser is the ~~shall be~~ party  
 318 defendant.

319 (b) In any case brought by the property appraiser under  
 320 ~~pursuant to~~ s. 194.036(1) (a) or (b), the taxpayer is the ~~shall~~  
 321 ~~be~~ party defendant.

322 (c)1. In any case brought by the property appraiser under  
 323 s. 194.036(1) (a) or (b) concerning a value adjustment board  
 324 decision on a single joint petition filed by a condominium,  
 325 cooperative, or homeowners' association under s. 194.011(3), the

326 association and all unit or parcel owners included in the single  
327 joint petition are the party defendants.

328 2. The condominium, cooperative, or homeowners'  
329 association must provide unit or parcel owners with notice of  
330 its intent to respond to or answer the property appraiser's  
331 complaint and advise the unit or parcel owners that they may  
332 elect to:

- 333 a. Retain their own counsel to defend the appeal;  
334 b. Choose not to defend the appeal; or  
335 c. Be represented together with other unit or parcel  
336 owners by the association.

337 3. The notice required in subparagraph 2. must be hand  
338 delivered or sent by certified mail, return receipt requested,  
339 to the unit or parcel owners, except that such notice may be  
340 electronically transmitted to a unit or parcel owner who has  
341 expressly consented in writing to receiving notices through  
342 electronic transmission. Additionally, the notice must be posted  
343 conspicuously on the condominium or cooperative property, if  
344 applicable, in the same manner as notice of board meetings under  
345 ss. 718.112(2) and 719.106(1). The association must provide at  
346 least 14 days for a unit or parcel owner to respond to the  
347 notice. Any unit or parcel owner who does not respond to the  
348 association's notice will be represented by the association.

349 (d) In any case brought by the property appraiser under  
350 ~~pursuant to~~ s. 194.036(1)(c), the value adjustment board is the

351 ~~shall be party defendant.~~

352 Section 6. Paragraph (a) of subsection (2) of section  
353 514.0115, Florida Statutes, is amended to read:

354 514.0115 Exemptions from supervision or regulation;  
355 variances.—

356 (2) (a) Pools serving condominium, cooperative, and  
357 homeowners' associations, as well as other property  
358 associations, which have no more than 32 ~~condominium or~~  
359 cooperative units or parcels and which are not operated as a  
360 public lodging establishments are ~~establishment shall be~~ exempt  
361 from supervision under this chapter, except for water quality.

362 Section 7. Section 548.003, Florida Statutes, is amended  
363 to read:

364 548.003 Florida Athletic ~~State Boxing~~ Commission.—

365 (1) The Florida Athletic ~~State Boxing~~ Commission is  
366 created and is assigned to the Department of Business and  
367 Professional Regulation for administrative and fiscal  
368 accountability purposes only. The ~~Florida State Boxing~~  
369 commission shall consist of five members appointed by the  
370 Governor, subject to confirmation by the Senate. One member must  
371 be a physician licensed pursuant to chapter 458 or chapter 459,  
372 who must maintain an unencumbered license in good standing, and  
373 who must, at the time of her or his appointment, have practiced  
374 medicine for at least 5 years. Upon the expiration of the term  
375 of a commissioner, the Governor shall appoint a successor to

376 | serve for a 4-year term. A commissioner whose term has expired  
377 | shall continue to serve on the commission until such time as a  
378 | replacement is appointed. If a vacancy on the commission occurs  
379 | before ~~prior to~~ the expiration of the term, it shall be filled  
380 | for the unexpired portion of the term in the same manner as the  
381 | original appointment.

382 |       (2) The ~~Florida State Boxing~~ commission, as created by  
383 | subsection (1), shall administer the provisions of this chapter.  
384 | The commission has authority to adopt rules pursuant to ss.  
385 | 120.536(1) and 120.54 to implement the provisions of this  
386 | chapter and to implement each of the duties and responsibilities  
387 | conferred upon the commission, including, but not limited to:

388 |       (a) Development of an ethical code of conduct for  
389 | commissioners, commission staff, and commission officials.

390 |       (b) Facility and safety requirements relating to the ring,  
391 | floor plan and apron seating, emergency medical equipment and  
392 | services, and other equipment and services necessary for the  
393 | conduct of a program of matches.

394 |       (c) Requirements regarding a participant's apparel,  
395 | bandages, handwraps, gloves, mouthpiece, and appearance during a  
396 | match.

397 |       (d) Requirements relating to a manager's participation,  
398 | presence, and conduct during a match.

399 |       (e) Duties and responsibilities of all licensees under  
400 | this chapter.



401 (f) Procedures for hearings and resolution of disputes.  
402 (g) Qualifications for appointment of referees and judges.  
403 (h) Qualifications for and appointment of chief inspectors  
404 and inspectors and duties and responsibilities of chief  
405 inspectors and inspectors with respect to oversight and  
406 coordination of activities for each program of matches regulated  
407 under this chapter.  
408 (i) Designation and duties of a knockdown timekeeper.  
409 (j) Setting fee and reimbursement schedules for referees  
410 and other officials appointed by the commission or the  
411 representative of the commission.  
412 (k) Establishment of criteria for approval, disapproval,  
413 suspension of approval, and revocation of approval of amateur  
414 sanctioning organizations for amateur boxing, kickboxing, and  
415 mixed martial arts held in this state, including, but not  
416 limited to, the health and safety standards the organizations  
417 use before, during, and after the matches to ensure the health,  
418 safety, and well-being of the amateurs participating in the  
419 matches, including the qualifications and numbers of health care  
420 personnel required to be present, the qualifications required  
421 for referees, and other requirements relating to the health,  
422 safety, and well-being of the amateurs participating in the  
423 matches. The commission may adopt by rule, or incorporate by  
424 reference into rule, the health and safety standards of USA  
425 Boxing as the minimum health and safety standards for an amateur

426 boxing sanctioning organization, the health and safety standards  
427 of the International Sport Kickboxing Association as the minimum  
428 health and safety standards for an amateur kickboxing  
429 sanctioning organization, and the minimum health and safety  
430 standards for an amateur mixed martial arts sanctioning  
431 organization. The commission shall review its rules for  
432 necessary revision at least every 2 years and may adopt by rule,  
433 or incorporate by reference into rule, the then-existing current  
434 health and safety standards of USA Boxing and the International  
435 Sport Kickboxing Association. The commission may adopt emergency  
436 rules to administer this paragraph.

437 (3) The commission shall maintain an office in  
438 Tallahassee. At the first meeting of the commission after June 1  
439 of each year, the commission shall select a chair and a vice  
440 chair from among its membership. Three members shall constitute  
441 a quorum and the concurrence of at least three members is  
442 necessary for official commission action.

443 (4) Three consecutive unexcused absences or absences  
444 constituting 50 percent or more of the commission's meetings  
445 within any 12-month period shall cause the commission membership  
446 of the member in question to become void, and the position shall  
447 be considered vacant. The commission shall, by rule, define  
448 unexcused absences.

449 (5) Each commission member shall be accountable to the  
450 Governor for the proper performance of duties as a member of the

451 | commission. The Governor shall cause to be investigated any  
 452 | complaint or unfavorable report received by the Governor or the  
 453 | department concerning an action of the commission or any member  
 454 | and shall take appropriate action thereon. The Governor may  
 455 | remove from office any member for malfeasance, unethical  
 456 | conduct, misfeasance, neglect of duty, incompetence, permanent  
 457 | inability to perform official duties, or pleading guilty or nolo  
 458 | contendere to or being found guilty of a felony.

459 |         (6) Each member of the commission shall be compensated at  
 460 | the rate of \$50 for each day she or he attends a commission  
 461 | meeting and shall be reimbursed for other expenses as provided  
 462 | in s. 112.061.

463 |         (7) The commission shall be authorized to join and  
 464 | participate in the activities of the Association of Boxing  
 465 | Commissions (ABC).

466 |         (8) The department shall provide all legal and  
 467 | investigative services necessary to implement this chapter. The  
 468 | department may adopt rules as provided in ss. 120.536(1) and  
 469 | 120.54 to carry out its duties under this chapter.

470 |         Section 8. Subsection (3) of section 548.043, Florida  
 471 | Statutes, is amended to read:

472 |         548.043 Weights and classes, limitations; gloves.—

473 |         (3) The commission shall establish by rule the need for  
 474 | gloves, if any, and the weight of any such gloves to be used in  
 475 | each pugilistic match ~~the appropriate weight of gloves to be~~

476 ~~used in each boxing match; however, all participants in boxing~~  
477 ~~matches shall wear gloves weighing not less than 8 ounces each~~  
478 ~~and participants in mixed martial arts matches shall wear gloves~~  
479 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such  
480 protective devices as the commission deems necessary.

481 Section 9. Subsection (20) of section 561.01, Florida  
482 Statutes, is amended to read:

483 561.01 Definitions.—As used in the Beverage Law:

484 ~~(20) "Permit carrier" means a licensee authorized to make~~  
485 ~~deliveries as provided in s. 561.57.~~

486 Section 10. Subsections (1) and (2) of section 561.17,  
487 Florida Statutes, are amended, and subsection (5) is added to  
488 that section, to read:

489 561.17 License and registration applications; approved  
490 person.—

491 (1) Any person, before engaging in the business of  
492 manufacturing, bottling, distributing, selling, or in any way  
493 dealing in alcoholic beverages, shall file, with the district  
494 licensing personnel of the district of the division in which the  
495 place of business for which a license is sought is located, a  
496 sworn application in the format prescribed by the division. The  
497 applicant must be a legal or business entity, person, or persons  
498 and must include all persons, officers, shareholders, and  
499 directors of such legal or business entity that have a direct or  
500 indirect interest in the business seeking to be licensed under

501 | this part. However, the applicant does not include any person  
502 | that derives revenue from the license solely through a  
503 | contractual relationship with the licensee, the substance of  
504 | which contractual relationship is not related to the control of  
505 | the sale of alcoholic beverages. Before any application is  
506 | approved, the division may require the applicant to file a set  
507 | of fingerprints electronically through an approved electronic  
508 | fingerprinting vendor or on regular United States Department of  
509 | Justice forms prescribed by the Florida Department of Law  
510 | Enforcement for herself or himself and for any person or persons  
511 | interested directly or indirectly with the applicant in the  
512 | business for which the license is being sought, when required by  
513 | the division. If the applicant or any person who is interested  
514 | with the applicant either directly or indirectly in the business  
515 | or who has a security interest in the license being sought or  
516 | has a right to a percentage payment from the proceeds of the  
517 | business, either by lease or otherwise, is not qualified, the  
518 | division shall deny the application. However, any company  
519 | regularly traded on a national securities exchange and not over  
520 | the counter; any insurer, as defined in the Florida Insurance  
521 | Code; or any bank or savings and loan association chartered by  
522 | this state, another state, or the United States which has an  
523 | interest, directly or indirectly, in an alcoholic beverage  
524 | license is not required to obtain the division's approval of its  
525 | officers, directors, or stockholders or any change of such

526 | positions or interests. A shopping center with five or more  
527 | stores, one or more of which has an alcoholic beverage license  
528 | and is required under a lease common to all shopping center  
529 | tenants to pay no more than 10 percent of the gross proceeds of  
530 | the business holding the license to the shopping center, is not  
531 | considered as having an interest, directly or indirectly, in the  
532 | license. A performing arts center, as defined in s. 561.01,  
533 | which has an interest, directly or indirectly, in an alcoholic  
534 | beverage license is not required to obtain division approval of  
535 | its volunteer officers or directors or of any change in such  
536 | positions or interests.

537 |       (2) All applications for any alcoholic beverage license  
538 | must be accompanied by proof of the applicant's right of  
539 | occupancy for the entire premises sought to be licensed. All  
540 | applications for alcoholic beverage licenses for consumption on  
541 | the premises shall be accompanied by a certificate of the  
542 | Division of Hotels and Restaurants of the Department of Business  
543 | and Professional Regulation, the Department of Agriculture and  
544 | Consumer Services, the Department of Health, the Agency for  
545 | Health Care Administration, or the county health department that  
546 | the place of business wherein the business is to be conducted  
547 | meets all of the sanitary requirements of the state.

548 |       (5) Any person or entity licensed or permitted by the  
549 | division must provide an electronic mail address to the division  
550 | to function as the primary contact for all communication by the

551 division to the licensee or permittees. Licensees and permittees  
552 are responsible for maintaining accurate contact information on  
553 file with the division.

554 Section 11. Paragraph (a) of subsection (2) of section  
555 561.20, Florida Statutes, is amended to read:

556 561.20 Limitation upon number of licenses issued.—

557 (2) (a) The limitation of the number of licenses as  
558 provided in this section does not prohibit the issuance of a  
559 special license to:

560 1. Any bona fide hotel, motel, or motor court of not fewer  
561 than 80 guest rooms in any county having a population of less  
562 than 50,000 residents, and of not fewer than 100 guest rooms in  
563 any county having a population of 50,000 residents or greater;  
564 or any bona fide hotel or motel located in a historic structure,  
565 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100  
566 guest rooms which derives at least 51 percent of its gross  
567 revenue from the rental of hotel or motel rooms, which is  
568 licensed as a public lodging establishment by the Division of  
569 Hotels and Restaurants; provided, however, that a bona fide  
570 hotel or motel with no fewer than 10 and no more than 25 guest  
571 rooms which is a historic structure, as defined in s. 561.01(20)  
572 ~~s. 561.01(21)~~, in a municipality that on the effective date of  
573 this act has a population, according to the University of  
574 Florida's Bureau of Economic and Business Research Estimates of  
575 Population for 1998, of no fewer than 25,000 and no more than

576 35,000 residents and that is within a constitutionally chartered  
577 county may be issued a special license. This special license  
578 shall allow the sale and consumption of alcoholic beverages only  
579 on the licensed premises of the hotel or motel. In addition, the  
580 hotel or motel must derive at least 60 percent of its gross  
581 revenue from the rental of hotel or motel rooms and the sale of  
582 food and nonalcoholic beverages; provided that this subparagraph  
583 shall supersede local laws requiring a greater number of hotel  
584 rooms;

585 2. Any condominium accommodation of which no fewer than  
586 100 condominium units are wholly rentable to transients and  
587 which is licensed under chapter 509, except that the license  
588 shall be issued only to the person or corporation that operates  
589 the hotel or motel operation and not to the association of  
590 condominium owners;

591 3. Any condominium accommodation of which no fewer than 50  
592 condominium units are wholly rentable to transients, which is  
593 licensed under chapter 509, and which is located in any county  
594 having home rule under s. 10 or s. 11, Art. VIII of the State  
595 Constitution of 1885, as amended, and incorporated by reference  
596 in s. 6(e), Art. VIII of the State Constitution, except that the  
597 license shall be issued only to the person or corporation that  
598 operates the hotel or motel operation and not to the association  
599 of condominium owners;

600 4. A food service establishment that has 2,500 square feet



601 of service area, is equipped to serve meals to 150 persons at  
602 one time, and derives at least 51 percent of its gross food and  
603 beverage revenue from the sale of food and nonalcoholic  
604 beverages during the first 120-day ~~60-day~~ operating period and  
605 the first ~~each~~ 12-month operating period thereafter. Subsequent  
606 audit timeframes must be based upon the audit percentage  
607 established by the most recent audit and conducted on a  
608 staggered scale as follows: level 1, 51 percent to 60 percent,  
609 every year; level 2, 61 percent to 75 percent, every 2 years;  
610 level 3, 76 percent to 90 percent, every 3 years; and level 4,  
611 91 percent to 100 percent, every 4 years. A food service  
612 establishment granted a special license on or after January 1,  
613 1958, pursuant to general or special law may not operate as a  
614 package store and may not sell intoxicating beverages under such  
615 license after the hours of serving or consumption of food have  
616 elapsed. Failure by a licensee to meet the required percentage  
617 of food and nonalcoholic beverage gross revenues during the  
618 covered operating period shall result in revocation of the  
619 license or denial of the pending license application. A licensee  
620 whose license is revoked or an applicant whose pending  
621 application is denied, or any person required to qualify on the  
622 special license application, is ineligible to have any interest  
623 in a subsequent application for such a license for a period of  
624 120 days after the date of the final denial or revocation;  
625 5. Any caterer, deriving at least 51 percent of its gross

626 food and beverage revenue from the sale of food and nonalcoholic  
627 beverages at each catered event, licensed by the Division of  
628 Hotels and Restaurants under chapter 509. This subparagraph does  
629 not apply to a culinary education program, as defined in s.  
630 381.0072(2), which is licensed as a public food service  
631 establishment by the Division of Hotels and Restaurants and  
632 provides catering services. Notwithstanding any law to the  
633 contrary, a licensee under this subparagraph shall sell or serve  
634 alcoholic beverages only for consumption on the premises of a  
635 catered event at which the licensee is also providing prepared  
636 food, and shall prominently display its license at any catered  
637 event at which the caterer is selling or serving alcoholic  
638 beverages. A licensee under this subparagraph shall purchase all  
639 alcoholic beverages it sells or serves at a catered event from a  
640 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
641 under s. 565.02(1) subject to the limitation imposed in  
642 subsection (1), as appropriate. A licensee under this  
643 subparagraph may not store any alcoholic beverages to be sold or  
644 served at a catered event. Any alcoholic beverages purchased by  
645 a licensee under this subparagraph for a catered event that are  
646 not used at that event must remain with the customer; provided  
647 that if the vendor accepts unopened alcoholic beverages, the  
648 licensee may return such alcoholic beverages to the vendor for a  
649 credit or reimbursement. Regardless of the county or counties in  
650 which the licensee operates, a licensee under this subparagraph

651 shall pay the annual state license tax set forth in s.  
652 565.02(1)(b). A licensee under this subparagraph must maintain  
653 for a period of 3 years all records and receipts for each  
654 catered event, including all contracts, customers' names, event  
655 locations, event dates, food purchases and sales, alcoholic  
656 beverage purchases and sales, nonalcoholic beverage purchases  
657 and sales, and any other records required by the department by  
658 rule to demonstrate compliance with the requirements of this  
659 subparagraph. Notwithstanding any law to the contrary, any  
660 vendor licensed under s. 565.02(1) subject to the limitation  
661 imposed in subsection (1), may, without any additional licensure  
662 under this subparagraph, serve or sell alcoholic beverages for  
663 consumption on the premises of a catered event at which prepared  
664 food is provided by a caterer licensed under chapter 509. If a  
665 licensee under this subparagraph also possesses any other  
666 license under the Beverage Law, the license issued under this  
667 subparagraph shall not authorize the holder to conduct  
668 activities on the premises to which the other license or  
669 licenses apply that would otherwise be prohibited by the terms  
670 of that license or the Beverage Law. Nothing in this section  
671 shall permit the licensee to conduct activities that are  
672 otherwise prohibited by the Beverage Law or local law. The  
673 Division of Alcoholic Beverages and Tobacco is hereby authorized  
674 to adopt rules to administer the license created in this  
675 subparagraph, to include rules governing licensure,

676 recordkeeping, and enforcement. The first \$300,000 in fees  
677 collected by the division each fiscal year pursuant to this  
678 subparagraph shall be deposited in the Department of Children  
679 and Families' Operations and Maintenance Trust Fund to be used  
680 only for alcohol and drug abuse education, treatment, and  
681 prevention programs. The remainder of the fees collected shall  
682 be deposited into the Hotel and Restaurant Trust Fund created  
683 pursuant to s. 509.072; or

684 6. A culinary education program as defined in s.  
685 381.0072(2) which is licensed as a public food service  
686 establishment by the Division of Hotels and Restaurants.

687 a. This special license shall allow the sale and  
688 consumption of alcoholic beverages on the licensed premises of  
689 the culinary education program. The culinary education program  
690 shall specify designated areas in the facility where the  
691 alcoholic beverages may be consumed at the time of application.  
692 Alcoholic beverages sold for consumption on the premises may be  
693 consumed only in areas designated pursuant to s. 561.01(11) and  
694 may not be removed from the designated area. Such license shall  
695 be applicable only in and for designated areas used by the  
696 culinary education program.

697 b. If the culinary education program provides catering  
698 services, this special license shall also allow the sale and  
699 consumption of alcoholic beverages on the premises of a catered  
700 event at which the licensee is also providing prepared food. A

701 | culinary education program that provides catering services is  
702 | not required to derive at least 51 percent of its gross revenue  
703 | from the sale of food and nonalcoholic beverages.  
704 | Notwithstanding any law to the contrary, a licensee that  
705 | provides catering services under this sub-subparagraph shall  
706 | prominently display its beverage license at any catered event at  
707 | which the caterer is selling or serving alcoholic beverages.  
708 | Regardless of the county or counties in which the licensee  
709 | operates, a licensee under this sub-subparagraph shall pay the  
710 | annual state license tax set forth in s. 565.02(1)(b). A  
711 | licensee under this sub-subparagraph must maintain for a period  
712 | of 3 years all records required by the department by rule to  
713 | demonstrate compliance with the requirements of this sub-  
714 | subparagraph.

715 |       c. If a licensee under this subparagraph also possesses  
716 | any other license under the Beverage Law, the license issued  
717 | under this subparagraph does not authorize the holder to conduct  
718 | activities on the premises to which the other license or  
719 | licenses apply that would otherwise be prohibited by the terms  
720 | of that license or the Beverage Law. Nothing in this  
721 | subparagraph shall permit the licensee to conduct activities  
722 | that are otherwise prohibited by the Beverage Law or local law.  
723 | Any culinary education program that holds a license to sell  
724 | alcoholic beverages shall comply with the age requirements set  
725 | forth in ss. 562.11(4), 562.111(2), and 562.13.

726           d. The Division of Alcoholic Beverages and Tobacco may  
727 adopt rules to administer the license created in this  
728 subparagraph, to include rules governing licensure,  
729 recordkeeping, and enforcement.

730           e. A license issued pursuant to this subparagraph does not  
731 permit the licensee to sell alcoholic beverages by the package  
732 for off-premises consumption.

733

734 However, any license heretofore issued to any such hotel, motel,  
735 motor court, or restaurant or hereafter issued to any such  
736 hotel, motel, or motor court, including a condominium  
737 accommodation, under the general law shall not be moved to a new  
738 location, such license being valid only on the premises of such  
739 hotel, motel, motor court, or restaurant. Licenses issued to  
740 hotels, motels, motor courts, or restaurants under the general  
741 law and held by such hotels, motels, motor courts, or  
742 restaurants on May 24, 1947, shall be counted in the quota  
743 limitation contained in subsection (1). Any license issued for  
744 any hotel, motel, or motor court under this law shall be issued  
745 only to the owner of the hotel, motel, or motor court or, in the  
746 event the hotel, motel, or motor court is leased, to the lessee  
747 of the hotel, motel, or motor court; and the license shall  
748 remain in the name of the owner or lessee so long as the license  
749 is in existence. Any special license now in existence heretofore  
750 issued under this law cannot be renewed except in the name of

751 the owner of the hotel, motel, motor court, or restaurant or, in  
752 the event the hotel, motel, motor court, or restaurant is  
753 leased, in the name of the lessee of the hotel, motel, motor  
754 court, or restaurant in which the license is located and must  
755 remain in the name of the owner or lessee so long as the license  
756 is in existence. Any license issued under this section shall be  
757 marked "Special," and nothing herein provided shall limit,  
758 restrict, or prevent the issuance of a special license for any  
759 restaurant or motel which shall hereafter meet the requirements  
760 of the law existing immediately prior to the effective date of  
761 this act, if construction of such restaurant has commenced prior  
762 to the effective date of this act and is completed within 30  
763 days thereafter, or if an application is on file for such  
764 special license at the time this act takes effect; and any such  
765 licenses issued under this proviso may be annually renewed as  
766 now provided by law. Nothing herein prevents an application for  
767 transfer of a license to a bona fide purchaser of any hotel,  
768 motel, motor court, or restaurant by the purchaser of such  
769 facility or the transfer of such license pursuant to law.

770 Section 12. Subsection (4) of section 561.42, Florida  
771 Statutes, is amended to read:

772 561.42 Tied house evil; financial aid and assistance to  
773 vendor by manufacturer, distributor, importer, primary American  
774 source of supply, brand owner or registrant, or any broker,  
775 sales agent, or sales person thereof, prohibited; procedure for

776 enforcement; exception.—

777 (4) Before the division shall so declare and prohibit such  
778 sales to such vendor, ~~it shall,~~ within 2 days after receipt of  
779 such notice, the division shall give ~~written~~ notice to such  
780 vendor by electronic mail of the receipt by the division of such  
781 notification of delinquency and such vendor shall be directed to  
782 forthwith make payment thereof or, upon failure to do so, to  
783 show cause before the division why further sales to such vendor  
784 shall not be prohibited. Good and sufficient cause to prevent  
785 such action by the division may be made by showing payment,  
786 failure of consideration, or any other defense which would be  
787 considered sufficient in a common-law action. The vendor shall  
788 have 5 days after service ~~receipt~~ of such notice via electronic  
789 mail within which to show such cause, and he or she may demand a  
790 hearing thereon, provided he or she does so in writing within  
791 said 5 days, such written demand to be delivered to the division  
792 either in person, by electronic mail, or by due course of mail  
793 within such 5 days. If no such demand for hearing is made, the  
794 division shall thereupon declare in writing to such vendor and  
795 to all manufacturers and distributors within the state that all  
796 further sales to such vendor are prohibited until such time as  
797 the division certifies in writing that such vendor has fully  
798 paid for all liquors previously purchased. In the event such  
799 prohibition of sales and declaration thereof to the vendor,  
800 manufacturers, and distributors is ordered by the division, the



801 vendor may seek review of such decision by the Department of  
802 Business and Professional Regulation within 5 days. In the event  
803 application for such review is filed within such time, such  
804 prohibition of sales shall not be made, published, or declared  
805 until final disposition of such review by the department.

806 Section 13. Subsection (2) of section 561.55, Florida  
807 Statutes, is amended to read:

808 561.55 Manufacturers', distributors', brokers', sales  
809 agents', importers', vendors', and exporters' records and  
810 reports.—

811 (2) Each manufacturer, distributor, broker, sales agent,  
812 and importer shall make a full and complete report by the 10th  
813 day of each month for the previous calendar month. The report  
814 must be ~~shall be made out in triplicate; two copies shall be~~  
815 ~~sent to the division, and the third copy shall be retained for~~  
816 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~  
817 ~~importer's record. Reports shall be made on forms prepared and~~  
818 ~~furnished by the division~~ and filed with the division through  
819 the division's electronic data submission system.

820 Section 14. Section 562.455, Florida Statutes, is amended  
821 to read:

822 562.455 Adulterating liquor; penalty.—Whoever adulterates,  
823 for the purpose of sale, any liquor, used or intended for drink,  
824 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,  
825 capsicum, copperas, laurel water, logwood, brazil wood,

826 | cochineal, sugar of lead, or any other substance which is  
 827 | poisonous or injurious to health, and whoever knowingly sells  
 828 | any liquor so adulterated, commits ~~shall be guilty of~~ a felony  
 829 | of the third degree, punishable as provided in s. 775.082, s.  
 830 | 775.083, or s. 775.084.

831 | Section 15. Subsection (4) of section 627.714, Florida  
 832 | Statutes, is amended to read:

833 | 627.714 Residential condominium unit owner coverage; loss  
 834 | assessment coverage required.—

835 | (4) Every individual unit owner's residential property  
 836 | policy must contain a provision stating that the coverage  
 837 | afforded by such policy is excess coverage over the amount  
 838 | recoverable under any other policy covering the same property.  
 839 | If a condominium association's insurance policy does not provide  
 840 | rights for subrogation against the unit owners in the  
 841 | association, an insurance policy issued to an individual unit  
 842 | owner located in the association may not provide rights of  
 843 | subrogation against the condominium association.

844 | Section 16. Section 712.065, Florida Statutes, is created  
 845 | to read:

846 | 712.065 Extinguishment of discriminatory restrictions.—

847 | (1) As used in this section, the term "discriminatory  
 848 | restriction" means a provision in a title transaction recorded  
 849 | in the state which restricts the ownership, occupancy, or use of  
 850 | any real property in this state by any natural person on the

851 basis of a characteristic that has been held, or is held after  
852 July 1, 2020, by the United States Supreme Court or the Florida  
853 Supreme Court to be protected against discrimination under the  
854 Fourteenth Amendment to the United States Constitution or under  
855 s. 2, Art. I of the State Constitution, including race, color,  
856 national origin, religion, gender, or physical disability.

857 (2) A discriminatory restriction is not enforceable in the  
858 state, and a discriminatory restriction contained in a title  
859 transaction recorded in the state is unlawful, unenforceable,  
860 and void. A discriminatory restriction contained in a previously  
861 recorded title transaction is extinguished and severed from the  
862 recorded title transaction and the remainder of the title  
863 transaction remains enforceable and effective. The recording of  
864 a notice preserving or protecting interests or rights under s.  
865 712.06 does not reimpose or preserve a discriminatory  
866 restriction that is extinguished under this section.

867 (3) Upon request of a parcel owner, a discriminatory  
868 restriction appearing in a covenant or restriction affecting the  
869 parcel may be removed from the covenant or restriction by an  
870 amendment approved by a majority vote of the board of directors  
871 of the respective property owners' association or an owners'  
872 association in which all owners may voluntarily join,  
873 notwithstanding any other requirements for approval of an  
874 amendment of the covenant or restriction. Unless the amendment  
875 also changes other provisions of the covenant or restriction,

876 the recording of an amendment removing a discriminatory  
877 restriction does not constitute a title transaction occurring  
878 after the root of title for purposes of s. 712.03(4).

879 Section 17. Paragraph (a) of subsection (1), subsection  
880 (3), and paragraphs (a), (b), (c), (f), and (g) of subsection  
881 (12) of section 718.111, Florida Statutes, are amended to read:

882 718.111 The association.—

883 (1) CORPORATE ENTITY.—

884 (a) The operation of the condominium shall be by the  
885 association, which must be a Florida corporation for profit or a  
886 Florida corporation not for profit. However, any association  
887 which was in existence on January 1, 1977, need not be  
888 incorporated. The owners of units shall be shareholders or  
889 members of the association. The officers and directors of the  
890 association have a fiduciary relationship to the unit owners. It  
891 is the intent of the Legislature that nothing in this paragraph  
892 shall be construed as providing for or removing a requirement of  
893 a fiduciary relationship between any manager employed by the  
894 association and the unit owners. An officer, director, or  
895 manager may not solicit, offer to accept, or accept any thing or  
896 service of value or kickback for which consideration has not  
897 been provided for his or her own benefit or that of his or her  
898 immediate family, from any person providing or proposing to  
899 provide goods or services to the association. Any such officer,  
900 director, or manager who knowingly so solicits, offers to

901 accept, or accepts any thing or service of value or kickback is  
902 subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s.~~  
903 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided  
904 in paragraph (d). However, this paragraph does not prohibit an  
905 officer, director, or manager from accepting services or items  
906 received in connection with trade fairs or education programs.  
907 An association may operate more than one condominium.

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

910 (a) The association may contract, sue, or be sued with  
911 respect to the exercise or nonexercise of its powers. For these  
912 purposes, the powers of the association include, but are not  
913 limited to, the maintenance, management, and operation of the  
914 condominium property.

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

917 1. Institute, maintain, settle, or appeal actions or  
918 hearings in its name on behalf of all unit owners concerning  
919 matters of common interest to most or all unit owners,  
920 including, but not limited to, the common elements; the roof and  
921 structural components of a building or other improvements;  
922 mechanical, electrical, and plumbing elements serving an  
923 improvement or a building; representations of the developer  
924 pertaining to any existing or proposed commonly used facilities;

925 2. Protest ~~and protesting~~ ad valorem taxes on commonly

926 used facilities and on units; ~~and may~~

927 3. Defend actions pertaining to ad valorem taxation of  
928 commonly used facilities or units or related to in eminent  
929 domain; or

930 4. Bring inverse condemnation actions.

931 (c) If the association has the authority to maintain a  
932 class action, the association may be joined in an action as  
933 representative of that class with reference to litigation and  
934 disputes involving the matters for which the association could  
935 bring a class action.

936 (d) The association, in its own name or on behalf of some  
937 or all unit owners, may institute, file, protest, maintain, or  
938 defend any administrative challenge, lawsuit, appeal, or other  
939 challenge to ad valorem taxes assessed on units, commonly used  
940 facilities, or common elements. Other than as provided in s.  
941 194.181(2)(c)1., the affected association members are not  
942 necessary or indispensable parties to such actions.. This  
943 paragraph is intended to clarify existing law and applies to  
944 cases pending on July 1, 2020.

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

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

951 (12) OFFICIAL RECORDS.—

952 (a) From the inception of the association, the association  
 953 shall maintain each of the following items, if applicable, which  
 954 constitutes the official records of the association:

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

957 2. A photocopy of the recorded declaration of condominium  
 958 of each condominium operated by the association and each  
 959 amendment to each declaration.

960 3. A photocopy of the recorded bylaws of the association  
 961 and each amendment to the bylaws.

962 4. A certified copy of the articles of incorporation of  
 963 the association, or other documents creating the association,  
 964 and each amendment thereto.

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

966 6. A book or books that contain the minutes of all  
 967 meetings of the association, the board of administration, and  
 968 the unit owners.

969 7. A current roster of all unit owners and their mailing  
 970 addresses, unit identifications, voting certifications, and, if  
 971 known, telephone numbers. The association shall also maintain  
 972 the e-mail addresses and facsimile numbers of unit owners  
 973 consenting to receive notice by electronic transmission. The e-  
 974 mail addresses and facsimile numbers are not accessible to unit  
 975 owners if consent to receive notice by electronic transmission

976 is not provided in accordance with sub-subparagraph (c)3.e.  
977 However, the association is not liable for an inadvertent  
978 disclosure of the e-mail address or facsimile number for  
979 receiving electronic transmission of notices.

980 8. All current insurance policies of the association and  
981 condominiums operated by the association.

982 9. A current copy of any management agreement, lease, or  
983 other contract to which the association is a party or under  
984 which the association or the unit owners have an obligation or  
985 responsibility.

986 10. Bills of sale or transfer for all property owned by  
987 the association.

988 11. Accounting records for the association and separate  
989 accounting records for each condominium that the association  
990 operates. Any person who knowingly or intentionally defaces or  
991 destroys such records, or who knowingly or intentionally fails  
992 to create or maintain such records, with the intent of causing  
993 harm to the association or one or more of its members, is  
994 personally subject to a civil penalty under s. 718.501(2)(d)  
995 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must  
996 include, but are not limited to:

997 a. Accurate, itemized, and detailed records of all  
998 receipts and expenditures.

999 b. A current account and a monthly, bimonthly, or  
1000 quarterly statement of the account for each unit designating the



1001 name of the unit owner, the due date and amount of each  
 1002 assessment, the amount paid on the account, and the balance due.

1003 c. All audits, reviews, accounting statements, and  
 1004 financial reports of the association or condominium.

1005 d. All contracts for work to be performed. Bids for work  
 1006 to be performed are also considered official records and must be  
 1007 maintained by the association for at least 1 year after receipt  
 1008 of the bid.

1009 12. Ballots, sign-in sheets, voting proxies, and all other  
 1010 papers and electronic records relating to voting by unit owners,  
 1011 which must be maintained for 1 year from the date of the  
 1012 election, vote, or meeting to which the document relates,  
 1013 notwithstanding paragraph (b).

1014 13. All rental records if the association is acting as  
 1015 agent for the rental of condominium units.

1016 14. A copy of the current question and answer sheet as  
 1017 described in s. 718.504.

1018 15. All other written records of the association not  
 1019 specifically included in the foregoing which are related to the  
 1020 operation of the association.

1021 16. A copy of the inspection report as described in s.  
 1022 718.301(4)(p).

1023 17. Bids for materials, equipment, or services.

1024 (b) The official records specified in subparagraphs (a)1.-  
 1025 6. must be permanently maintained from the inception of the

1026 association. Bids for work to be performed or for materials,  
1027 equipment, or services must be maintained for at least 1 year  
1028 after receipt of the bid. All other official records must be  
1029 maintained within the state for at least 7 years, unless  
1030 otherwise provided by general law. All official records must be  
1031 maintained in a manner and format determined by the division so  
1032 that the records are easily accessible for inspection. The  
1033 records of the association shall be made available to a unit  
1034 owner within 45 miles of the condominium property or within the  
1035 county in which the condominium property is located within 10  
1036 working days after receipt of a written request by the board or  
1037 its designee. However, such distance requirement does not apply  
1038 to an association governing a timeshare condominium. This  
1039 paragraph may be complied with by having a copy of the official  
1040 records of the association available for inspection or copying  
1041 on the condominium property or association property, or the  
1042 association may offer the option of making the records available  
1043 to a unit owner electronically via the Internet or by allowing  
1044 the records to be viewed in electronic format on a computer  
1045 screen and printed upon request. The association is not  
1046 responsible for the use or misuse of the information provided to  
1047 an association member or his or her authorized representative in  
1048 ~~pursuant to the compliance with requirements of~~ this chapter  
1049 unless the association has an affirmative duty not to disclose  
1050 such information under ~~pursuant to~~ this chapter.

1051 (c)1. The official records of the association are open to  
1052 inspection by any association member or the authorized  
1053 representative of such member at all reasonable times. The right  
1054 to inspect the records includes the right to make or obtain  
1055 copies, at the reasonable expense, if any, of the member or  
1056 authorized representative of such member. A renter of a unit  
1057 only has a right to inspect and copy the declaration of  
1058 condominium and association's bylaws and rules. The association  
1059 must provide a checklist to the member or the authorized  
1060 representative of such member of all records that are made  
1061 available for inspection and copying in response to a written  
1062 request. If any or all of the association's official records are  
1063 not available, such records must be identified on the checklist  
1064 provided to the person requesting the records. The checklist  
1065 must be signed by a manager licensed under part VIII of chapter  
1066 468 certifying that the checklist is accurate to the best of his  
1067 or her knowledge and belief or the association must provide the  
1068 person requesting the records a sworn affidavit attesting to the  
1069 veracity of the checklist executed by the person responding to  
1070 the written request on behalf of the association. The  
1071 association must maintain a copy of the checklist and affidavit,  
1072 if required, for at least 7 years. Delivery of the checklist and  
1073 affidavit, if required, to the person requesting the records  
1074 creates a rebuttable presumption that the association complied  
1075 with this paragraph. The association may adopt reasonable rules

1076 regarding the frequency, time, location, notice, and manner of  
1077 record inspections and copying, but may not require a member to  
1078 demonstrate any purpose or state any reason for the inspection.  
1079 The failure of an association to provide the records within 10  
1080 working days after receipt of a written request creates a  
1081 rebuttable presumption that the association willfully failed to  
1082 comply with this paragraph. A unit owner who is denied access to  
1083 official records is entitled to the actual damages or minimum  
1084 damages for the association's willful failure to comply. Minimum  
1085 damages are \$50 per calendar day for up to 10 days, beginning on  
1086 the 11th working day after receipt of the written request. The  
1087 failure to permit inspection entitles any person prevailing in  
1088 an enforcement action to recover reasonable attorney fees from  
1089 the person in control of the records who, directly or  
1090 indirectly, knowingly denied access to the records.

1091 2. Any person who knowingly or intentionally defaces or  
1092 destroys accounting records that are required by this chapter to  
1093 be maintained during the period for which such records are  
1094 required to be maintained, or who knowingly or intentionally  
1095 fails to create or maintain accounting records that are required  
1096 to be created or maintained, with the intent of causing harm to  
1097 the association or one or more of its members, is personally  
1098 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~  
1099 ~~718.501(1)(d).~~

1100 3. The association shall maintain an adequate number of

1101 | copies of the declaration, articles of incorporation, bylaws,  
1102 | and rules, and all amendments to each of the foregoing, as well  
1103 | as the question and answer sheet as described in s. 718.504 and  
1104 | year-end financial information required under this section, on  
1105 | the condominium property to ensure their availability to unit  
1106 | owners and prospective purchasers, and may charge its actual  
1107 | costs for preparing and furnishing these documents to those  
1108 | requesting the documents. An association shall allow a member or  
1109 | his or her authorized representative to use a portable device,  
1110 | including a smartphone, tablet, portable scanner, or any other  
1111 | technology capable of scanning or taking photographs, to make an  
1112 | electronic copy of the official records in lieu of the  
1113 | association's providing the member or his or her authorized  
1114 | representative with a copy of such records. The association may  
1115 | not charge a member or his or her authorized representative for  
1116 | the use of a portable device. Notwithstanding this paragraph,  
1117 | the following records are not accessible to unit owners:

1118 |       a. Any record protected by the lawyer-client privilege as  
1119 | described in s. 90.502 and any record protected by the work-  
1120 | product privilege, including a record prepared by an association  
1121 | attorney or prepared at the attorney's express direction, which  
1122 | reflects a mental impression, conclusion, litigation strategy,  
1123 | or legal theory of the attorney or the association, and which  
1124 | was prepared exclusively for civil or criminal litigation or for  
1125 | adversarial administrative proceedings, or which was prepared in

1126 anticipation of such litigation or proceedings until the  
 1127 conclusion of the litigation or proceedings.

1128       b. Information obtained by an association in connection  
 1129 with the approval of the lease, sale, or other transfer of a  
 1130 unit.

1131       c. Personnel records of association or management company  
 1132 employees, including, but not limited to, disciplinary, payroll,  
 1133 health, and insurance records. For purposes of this sub-  
 1134 subparagraph, the term "personnel records" does not include  
 1135 written employment agreements with an association employee or  
 1136 management company, or budgetary or financial records that  
 1137 indicate the compensation paid to an association employee.

1138       d. Medical records of unit owners.

1139       e. Social security numbers, driver license numbers, credit  
 1140 card numbers, e-mail addresses, telephone numbers, facsimile  
 1141 numbers, emergency contact information, addresses of a unit  
 1142 owner other than as provided to fulfill the association's notice  
 1143 requirements, and other personal identifying information of any  
 1144 person, excluding the person's name, unit designation, mailing  
 1145 address, property address, and any address, e-mail address, or  
 1146 facsimile number provided to the association to fulfill the  
 1147 association's notice requirements. Notwithstanding the  
 1148 restrictions in this sub-subparagraph, an association may print  
 1149 and distribute to unit ~~parcel~~ owners a directory containing the  
 1150 name, unit ~~parcel~~ address, and all telephone numbers of each

1151 unit parcel owner. However, an owner may exclude his or her  
1152 telephone numbers from the directory by so requesting in writing  
1153 to the association. An owner may consent in writing to the  
1154 disclosure of other contact information described in this sub-  
1155 subparagraph. The association is not liable for the inadvertent  
1156 disclosure of information that is protected under this sub-  
1157 subparagraph if the information is included in an official  
1158 record of the association and is voluntarily provided by an  
1159 owner and not requested by the association.

1160 f. Electronic security measures that are used by the  
1161 association to safeguard data, including passwords.

1162 g. The software and operating system used by the  
1163 association which allow the manipulation of data, even if the  
1164 owner owns a copy of the same software used by the association.  
1165 The data is part of the official records of the association.

1166 (f) An outgoing board or committee member must relinquish  
1167 all official records and property of the association in his or  
1168 her possession or under his or her control to the incoming board  
1169 within 5 days after the election. The division shall impose a  
1170 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~  
1171 ~~718.501(1)(d)6.~~ against an outgoing board or committee member  
1172 who willfully and knowingly fails to relinquish such records and  
1173 property.

1174 (g)1. By January 1, 2019, an association managing a  
1175 condominium with 150 or more units which does not contain

1176 timeshare units shall post digital copies of the documents  
1177 specified in subparagraph 2. on its website or make such  
1178 documents available through an application that can be  
1179 downloaded on a mobile device.

1180 a. The association's website or application must be:

1181 (I) An independent website, application, or web portal  
1182 wholly owned and operated by the association; or

1183 (II) A website, application, or web portal operated by a  
1184 third-party provider with whom the association owns, leases,  
1185 rents, or otherwise obtains the right to operate a web page,  
1186 subpage, web portal, ~~or~~ collection of subpages or web portals,   
1187 or application which is dedicated to the association's  
1188 activities and on which required notices, records, and documents  
1189 may be posted or made available by the association.

1190 b. The association's website or application must be  
1191 accessible through the Internet and must contain a subpage, web  
1192 portal, or other protected electronic location that is  
1193 inaccessible to the general public and accessible only to unit  
1194 owners and employees of the association.

1195 c. Upon a unit owner's written request, the association  
1196 must provide the unit owner with a username and password and  
1197 access to the protected sections of the association's website or  
1198 application that contain any notices, records, or documents that  
1199 must be electronically provided.

1200 2. A current copy of the following documents must be



1201 posted in digital format on the association's website or  
1202 application:

1203 a. The recorded declaration of condominium of each  
1204 condominium operated by the association and each amendment to  
1205 each declaration.

1206 b. The recorded bylaws of the association and each  
1207 amendment to the bylaws.

1208 c. The articles of incorporation of the association, or  
1209 other documents creating the association, and each amendment to  
1210 the articles of incorporation or other documents ~~thereto~~. The  
1211 copy posted pursuant to this sub-subparagraph must be a copy of  
1212 the articles of incorporation filed with the Department of  
1213 State.

1214 d. The rules of the association.

1215 e. A list of all executory contracts or documents to which  
1216 the association is a party or under which the association or the  
1217 unit owners have an obligation or responsibility and, after  
1218 bidding for the related materials, equipment, or services has  
1219 closed, a list of bids received by the association within the  
1220 past year. Summaries of bids for materials, equipment, or  
1221 services which exceed \$500 must be maintained on the website or  
1222 application for 1 year. In lieu of summaries, complete copies of  
1223 the bids may be posted.

1224 f. The annual budget required by s. 718.112(2)(f) and any  
1225 proposed budget to be considered at the annual meeting.

1226 g. The financial report required by subsection (13) and  
1227 any monthly income or expense statement to be considered at a  
1228 meeting.

1229 h. The certification of each director required by s.  
1230 718.112(2)(d)4.b.

1231 i. All contracts or transactions between the association  
1232 and any director, officer, corporation, firm, or association  
1233 that is not an affiliated condominium association or any other  
1234 entity in which an association director is also a director or  
1235 officer and financially interested.

1236 j. Any contract or document regarding a conflict of  
1237 interest or possible conflict of interest as provided in ss.  
1238 468.436(2)(b)6. and 718.3027(3).

1239 k. The notice of any unit owner meeting and the agenda for  
1240 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
1241 days before the meeting. The notice must be posted in plain view  
1242 on the front page of the website or application, or on a  
1243 separate subpage of the website or application labeled "Notices"  
1244 which is conspicuously visible and linked from the front page.  
1245 The association must also post on its website or application any  
1246 document to be considered and voted on by the owners during the  
1247 meeting or any document listed on the agenda at least 7 days  
1248 before the meeting at which the document or the information  
1249 within the document will be considered.

1250 l. Notice of any board meeting, the agenda, and any other

1251 document required for the meeting as required by s.  
1252 718.112(2)(c), which must be posted no later than the date  
1253 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

1254 3. The association shall ensure that the information and  
1255 records described in paragraph (c), which are not allowed to be  
1256 accessible to unit owners, are not posted on the association's  
1257 website or application. If protected information or information  
1258 restricted from being accessible to unit owners is included in  
1259 documents that are required to be posted on the association's  
1260 website or application, the association shall ensure the  
1261 information is redacted before posting the documents ~~online~~.  
1262 Notwithstanding the foregoing, the association or its agent is  
1263 not liable for disclosing information that is protected or  
1264 restricted under ~~pursuant to~~ this paragraph unless such  
1265 disclosure was made with a knowing or intentional disregard of  
1266 the protected or restricted nature of such information.

1267 4. The failure of the association to post information  
1268 required under subparagraph 2. is not in and of itself  
1269 sufficient to invalidate any action or decision of the  
1270 association's board or its committees.

1271 Section 18. Paragraphs (d), (i), (j), (k), and (p) of  
1272 subsection (2) of section 718.112, Florida Statutes, are  
1273 amended, and paragraph (c) is added to subsection (1) of that  
1274 section, to read:

1275 718.112 Bylaws.—

1276 (1) GENERALLY.—

1277 (c) The association may extinguish a discriminatory  
 1278 restriction as provided under s. 712.065.

1279 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
 1280 following and, if they do not do so, shall be deemed to include  
 1281 the following:

1282 (d) Unit owner meetings.—

1283 1. An annual meeting of the unit owners must be held at  
 1284 the location provided in the association bylaws and, if the  
 1285 bylaws are silent as to the location, the meeting must be held  
 1286 within 45 miles of the condominium property. However, such  
 1287 distance requirement does not apply to an association governing  
 1288 a timeshare condominium.

1289 2. Unless the bylaws provide otherwise, a vacancy on the  
 1290 board caused by the expiration of a director's term must be  
 1291 filled by electing a new board member, and the election must be  
 1292 by secret ballot. An election is not required if the number of  
 1293 vacancies equals or exceeds the number of candidates. For  
 1294 purposes of this paragraph, the term "candidate" means an  
 1295 eligible person who has timely submitted the written notice, as  
 1296 described in sub-subparagraph 4.a., of his or her intention to  
 1297 become a candidate. Except in a timeshare or nonresidential  
 1298 condominium, or if the staggered term of a board member does not  
 1299 expire until a later annual meeting, or if all members' terms  
 1300 would otherwise expire but there are no candidates, the terms of

1301 all board members expire at the annual meeting, and such members  
1302 may stand for reelection unless prohibited by the bylaws. Board  
1303 members may serve terms longer than 1 year if permitted by the  
1304 bylaws or articles of incorporation. A board member may not  
1305 serve more than 8 consecutive years unless approved by an  
1306 affirmative vote of unit owners representing two-thirds of all  
1307 votes cast in the election or unless there are not enough  
1308 eligible candidates to fill the vacancies on the board at the  
1309 time of the vacancy. Only board service that occurs on or after  
1310 July 1, 2018, may be used when calculating a board member's term  
1311 limit. If the number of board members whose terms expire at the  
1312 annual meeting equals or exceeds the number of candidates, the  
1313 candidates become members of the board effective upon the  
1314 adjournment of the annual meeting. Unless the bylaws provide  
1315 otherwise, any remaining vacancies shall be filled by the  
1316 affirmative vote of the majority of the directors making up the  
1317 newly constituted board even if the directors constitute less  
1318 than a quorum or there is only one director. In a residential  
1319 condominium association of more than 10 units or in a  
1320 residential condominium association that does not include  
1321 timeshare units or timeshare interests, co-owners of a unit may  
1322 not serve as members of the board of directors at the same time  
1323 unless they own more than one unit or unless there are not  
1324 enough eligible candidates to fill the vacancies on the board at  
1325 the time of the vacancy. A unit owner in a residential

1326 condominium desiring to be a candidate for board membership must  
1327 comply with sub-subparagraph 4.a. and must be eligible to be a  
1328 candidate to serve on the board of directors at the time of the  
1329 deadline for submitting a notice of intent to run in order to  
1330 have his or her name listed as a proper candidate on the ballot  
1331 or to serve on the board. A person who has been suspended or  
1332 removed by the division under this chapter, or who is delinquent  
1333 in the payment of any monetary obligation due to the  
1334 association, is not eligible to be a candidate for board  
1335 membership and may not be listed on the ballot. A person who has  
1336 been convicted of any felony in this state or in a United States  
1337 District or Territorial Court, or who has been convicted of any  
1338 offense in another jurisdiction which would be considered a  
1339 felony if committed in this state, is not eligible for board  
1340 membership unless such felon's civil rights have been restored  
1341 for at least 5 years as of the date such person seeks election  
1342 to the board. The validity of an action by the board is not  
1343 affected if it is later determined that a board member is  
1344 ineligible for board membership due to having been convicted of  
1345 a felony. This subparagraph does not limit the term of a member  
1346 of the board of a nonresidential or timeshare condominium.

1347 3. The bylaws must provide the method of calling meetings  
1348 of unit owners, including annual meetings. Written notice of an  
1349 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
1350 delivered, or electronically transmitted to each unit owner at

1351 least 14 days before the annual meeting;~~it~~ and ~~must~~ be posted in  
1352 a conspicuous place on the condominium property at least 14  
1353 continuous days before the annual meeting. Written notice of a  
1354 meeting other than an annual meeting must include an agenda; be  
1355 mailed, hand delivered, or electronically transmitted to each  
1356 unit owner; and be posted in a conspicuous place on the  
1357 condominium property in accordance with the minimum period of  
1358 time for posting a notice as set forth in the bylaws, and if the  
1359 bylaws do not provide such notice requirements, then at least 14  
1360 continuous days before the meeting. Upon notice to the unit  
1361 owners, the board shall, by duly adopted rule, designate a  
1362 specific location on the condominium property where all notices  
1363 of unit owner meetings must be posted. This requirement does not  
1364 apply if there is no condominium property for posting notices.  
1365 In lieu of, or in addition to, the physical posting of meeting  
1366 notices, the association may, by reasonable rule, adopt a  
1367 procedure for conspicuously posting and repeatedly broadcasting  
1368 the notice and the agenda on a closed-circuit cable television  
1369 system serving the condominium association. However, if  
1370 broadcast notice is used in lieu of a notice posted physically  
1371 on the condominium property, the notice and agenda must be  
1372 broadcast at least four times every broadcast hour of each day  
1373 that a posted notice is otherwise required under this section.  
1374 If broadcast notice is provided, the notice and agenda must be  
1375 broadcast in a manner and for a sufficient continuous length of

1376 | time so as to allow an average reader to observe the notice and  
1377 | read and comprehend the entire content of the notice and the  
1378 | agenda. In addition to any of the authorized means of providing  
1379 | notice of a meeting of the board, the association may, by rule,  
1380 | adopt a procedure for conspicuously posting the meeting notice  
1381 | and the agenda on a website serving the condominium association  
1382 | for at least the minimum period of time for which a notice of a  
1383 | meeting is also required to be physically posted on the  
1384 | condominium property. Any rule adopted shall, in addition to  
1385 | other matters, include a requirement that the association send  
1386 | an electronic notice in the same manner as a notice for a  
1387 | meeting of the members, which must include a hyperlink to the  
1388 | website where the notice is posted, to unit owners whose e-mail  
1389 | addresses are included in the association's official records.  
1390 | Unless a unit owner waives in writing the right to receive  
1391 | notice of the annual meeting, such notice must be hand  
1392 | delivered, mailed, or electronically transmitted to each unit  
1393 | owner. Notice for meetings and notice for all other purposes  
1394 | must be mailed to each unit owner at the address last furnished  
1395 | to the association by the unit owner, or hand delivered to each  
1396 | unit owner. However, if a unit is owned by more than one person,  
1397 | the association must provide notice to the address that the  
1398 | developer identifies for that purpose and thereafter as one or  
1399 | more of the owners of the unit advise the association in  
1400 | writing, or if no address is given or the owners of the unit do



1401 not agree, to the address provided on the deed of record. An  
1402 officer of the association, or the manager or other person  
1403 providing notice of the association meeting, must provide an  
1404 affidavit or United States Postal Service certificate of  
1405 mailing, to be included in the official records of the  
1406 association affirming that the notice was mailed or hand  
1407 delivered in accordance with this provision.

1408 4. The members of the board of a residential condominium  
1409 shall be elected by written ballot or voting machine. Proxies  
1410 may not be used in electing the board in general elections or  
1411 elections to fill vacancies caused by recall, resignation, or  
1412 otherwise, unless otherwise provided in this chapter. This  
1413 subparagraph does not apply to an association governing a  
1414 timeshare condominium.

1415 a. At least 60 days before a scheduled election, the  
1416 association shall mail, deliver, or electronically transmit, by  
1417 separate association mailing or included in another association  
1418 mailing, delivery, or transmission, including regularly  
1419 published newsletters, to each unit owner entitled to a vote, a  
1420 first notice of the date of the election. A unit owner or other  
1421 eligible person desiring to be a candidate for the board must  
1422 give written notice of his or her intent to be a candidate to  
1423 the association at least 40 days before a scheduled election.  
1424 Together with the written notice and agenda as set forth in  
1425 subparagraph 3., the association shall mail, deliver, or

1426 | electronically transmit a second notice of the election to all  
1427 | unit owners entitled to vote, together with a ballot that lists  
1428 | all candidates not less than 14 days or more than 34 days before  
1429 | the date of the election. Upon request of a candidate, an  
1430 | information sheet, no larger than 8 1/2 inches by 11 inches,  
1431 | which must be furnished by the candidate at least 35 days before  
1432 | the election, must be included with the mailing, delivery, or  
1433 | transmission of the ballot, with the costs of mailing, delivery,  
1434 | or electronic transmission and copying to be borne by the  
1435 | association. The association is not liable for the contents of  
1436 | the information sheets prepared by the candidates. In order to  
1437 | reduce costs, the association may print or duplicate the  
1438 | information sheets on both sides of the paper. The division  
1439 | shall by rule establish voting procedures consistent with this  
1440 | sub-subparagraph, including rules establishing procedures for  
1441 | giving notice by electronic transmission and rules providing for  
1442 | the secrecy of ballots. Elections shall be decided by a  
1443 | plurality of ballots cast. There is no quorum requirement;  
1444 | however, at least 20 percent of the eligible voters must cast a  
1445 | ballot in order to have a valid election. A unit owner may not  
1446 | authorize any other person to vote his or her ballot, and any  
1447 | ballots improperly cast are invalid. A unit owner who violates  
1448 | this provision may be fined by the association in accordance  
1449 | with s. 718.303. A unit owner who needs assistance in casting  
1450 | the ballot for the reasons stated in s. 101.051 may obtain such

1451 assistance. The regular election must occur on the date of the  
1452 annual meeting. Notwithstanding this sub-subparagraph, an  
1453 election is not required unless more candidates file notices of  
1454 intent to run or are nominated than board vacancies exist.

1455       b. Within 90 days after being elected or appointed to the  
1456 board of an association of a residential condominium, each newly  
1457 elected or appointed director shall certify in writing to the  
1458 secretary of the association that he or she has read the  
1459 association's declaration of condominium, articles of  
1460 incorporation, bylaws, and current written policies; that he or  
1461 she will work to uphold such documents and policies to the best  
1462 of his or her ability; and that he or she will faithfully  
1463 discharge his or her fiduciary responsibility to the  
1464 association's members. In lieu of this written certification,  
1465 within 90 days after being elected or appointed to the board,  
1466 the newly elected or appointed director may submit a certificate  
1467 of having satisfactorily completed the educational curriculum  
1468 administered by a division-approved condominium education  
1469 provider within 1 year before or 90 days after the date of  
1470 election or appointment. The written certification or  
1471 educational certificate is valid and does not have to be  
1472 resubmitted as long as the director serves on the board without  
1473 interruption. A director of an association of a residential  
1474 condominium who fails to timely file the written certification  
1475 or educational certificate is suspended from service on the

1476 board until he or she complies with this sub-subparagraph. The  
1477 board may temporarily fill the vacancy during the period of  
1478 suspension. The secretary shall cause the association to retain  
1479 a director's written certification or educational certificate  
1480 for inspection by the members for 5 years after a director's  
1481 election or the duration of the director's uninterrupted tenure,  
1482 whichever is longer. Failure to have such written certification  
1483 or educational certificate on file does not affect the validity  
1484 of any board action.

1485 c. Any challenge to the election process must be commenced  
1486 within 60 days after the election results are announced.

1487 5. Any approval by unit owners called for by this chapter  
1488 or the applicable declaration or bylaws, including, but not  
1489 limited to, the approval requirement in s. 718.111(8), must be  
1490 made at a duly noticed meeting of unit owners and is subject to  
1491 all requirements of this chapter or the applicable condominium  
1492 documents relating to unit owner decisionmaking, except that  
1493 unit owners may take action by written agreement, without  
1494 meetings, on matters for which action by written agreement  
1495 without meetings is expressly allowed by the applicable bylaws  
1496 or declaration or any law that provides for such action.

1497 6. Unit owners may waive notice of specific meetings if  
1498 allowed by the applicable bylaws or declaration or any law.  
1499 Notice of meetings of the board of administration, unit owner  
1500 meetings, except unit owner meetings called to recall board

1501 members under paragraph (j), and committee meetings may be given  
1502 by electronic transmission to unit owners who consent to receive  
1503 notice by electronic transmission. A unit owner who consents to  
1504 receiving notices by electronic transmission is solely  
1505 responsible for removing or bypassing filters that block receipt  
1506 of mass e-mails ~~emails~~ sent to members on behalf of the  
1507 association in the course of giving electronic notices.

1508         7. Unit owners have the right to participate in meetings  
1509 of unit owners with reference to all designated agenda items.  
1510 However, the association may adopt reasonable rules governing  
1511 the frequency, duration, and manner of unit owner participation.

1512         8. A unit owner may tape record or videotape a meeting of  
1513 the unit owners subject to reasonable rules adopted by the  
1514 division.

1515         9. Unless otherwise provided in the bylaws, any vacancy  
1516 occurring on the board before the expiration of a term may be  
1517 filled by the affirmative vote of the majority of the remaining  
1518 directors, even if the remaining directors constitute less than  
1519 a quorum, or by the sole remaining director. In the alternative,  
1520 a board may hold an election to fill the vacancy, in which case  
1521 the election procedures must conform to sub-subparagraph 4.a.  
1522 unless the association governs 10 units or fewer and has opted  
1523 out of the statutory election process, in which case the bylaws  
1524 of the association control. Unless otherwise provided in the  
1525 bylaws, a board member appointed or elected under this section

1526 shall fill the vacancy for the unexpired term of the seat being  
 1527 filled. Filling vacancies created by recall is governed by  
 1528 paragraph (j) and rules adopted by the division.

1529 10. This chapter does not limit the use of general or  
 1530 limited proxies, require the use of general or limited proxies,  
 1531 or require the use of a written ballot or voting machine for any  
 1532 agenda item or election at any meeting of a timeshare  
 1533 condominium association or nonresidential condominium  
 1534 association.

1535  
 1536 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
 1537 association of 10 or fewer units may, by affirmative vote of a  
 1538 majority of the total voting interests, provide for different  
 1539 voting and election procedures in its bylaws, which may be by a  
 1540 proxy specifically delineating the different voting and election  
 1541 procedures. The different voting and election procedures may  
 1542 provide for elections to be conducted by limited or general  
 1543 proxy.

1544 (i) Transfer fees.—An association may not ~~ne~~ charge a fee  
 1545 ~~shall be made by the association or any body thereof~~ in  
 1546 connection with the sale, mortgage, lease, sublease, or other  
 1547 transfer of a unit unless the association is required to approve  
 1548 such transfer and a fee for such approval is provided for in the  
 1549 declaration, articles, or bylaws. Any such fee may be preset,  
 1550 but may not ~~in no event may such fee~~ exceed \$150 ~~\$100~~ per

1551 applicant other than spouses or parent and dependent child, who  
1552 ~~husband/wife or parent/dependent child, which~~ are considered one  
1553 applicant. However, if the lease or sublease is a renewal of a  
1554 lease or sublease with the same lessee or sublessee, a charge  
1555 may not ~~no charge shall~~ be made. Such fees shall be adjusted  
1556 every 5 years in an amount equal to the total of the annual  
1557 increases for that 5-year period in the Consumer Price Index for  
1558 All Urban Consumers, U.S. City Average, All Items. The  
1559 Department of Business and Professional Regulation shall  
1560 periodically calculate the fees, rounded to the nearest dollar,  
1561 and publish the amounts, as adjusted, on its website. The  
1562 foregoing notwithstanding, an association may, if the authority  
1563 to do so appears in the declaration, articles, or bylaws,  
1564 require that a prospective lessee place a security deposit, in  
1565 an amount not to exceed the equivalent of 1 month's rent, into  
1566 an escrow account maintained by the association. The security  
1567 deposit shall protect against damages to the common elements or  
1568 association property. Payment of interest, claims against the  
1569 deposit, refunds, and disputes under this paragraph shall be  
1570 handled in the same fashion as provided in part II of chapter  
1571 83.

1572 (j) Recall of board members.—Subject to s. 718.301, any  
1573 member of the board of administration may be recalled and  
1574 removed from office with or without cause by the vote or  
1575 agreement in writing by a majority of all the voting interests.

1576 A special meeting of the unit owners to recall a member or  
1577 members of the board of administration may be called by 10  
1578 percent of the voting interests giving notice of the meeting as  
1579 required for a meeting of unit owners, and the notice shall  
1580 state the purpose of the meeting. Electronic transmission may  
1581 not be used as a method of giving notice of a meeting called in  
1582 whole or in part for this purpose.

1583 1. If the recall is approved by a majority of all voting  
1584 interests by a vote at a meeting, the recall will be effective  
1585 as provided in this paragraph. The board shall duly notice and  
1586 hold a board meeting within 5 full business days after the  
1587 adjournment of the unit owner meeting to recall one or more  
1588 board members. Such member or members shall be recalled  
1589 effective immediately upon conclusion of the board meeting,  
1590 provided that the recall is facially valid. A recalled member  
1591 must turn over to the board, within 10 full business days after  
1592 the vote, any and all records and property of the association in  
1593 their possession.

1594 2. If the proposed recall is by an agreement in writing by  
1595 a majority of all voting interests, the agreement in writing or  
1596 a copy thereof shall be served on the association by certified  
1597 mail or by personal service in the manner authorized by chapter  
1598 48 and the Florida Rules of Civil Procedure. The board of  
1599 administration shall duly notice and hold a meeting of the board  
1600 within 5 full business days after receipt of the agreement in



1601 writing. Such member or members shall be recalled effective  
1602 immediately upon the conclusion of the board meeting, provided  
1603 that the recall is facially valid. A recalled member must turn  
1604 over to the board, within 10 full business days, any and all  
1605 records and property of the association in their possession.

1606 3. If the board fails to duly notice and hold a board  
1607 meeting within 5 full business days after service of an  
1608 agreement in writing or within 5 full business days after the  
1609 adjournment of the unit owner recall meeting, the recall is  
1610 ~~shall be~~ deemed effective and the board members so recalled  
1611 shall turn over to the board within 10 full business days after  
1612 the vote any and all records and property of the association.

1613 4. If the board fails to duly notice and hold the required  
1614 meeting or at the conclusion of the meeting determines that the  
1615 recall is not facially valid, the unit owner representative may  
1616 file a petition or court action under ~~pursuant to~~ s. 718.1255  
1617 challenging the board's failure to act or challenging the  
1618 board's determination on facial validity. The petition or action  
1619 must be filed within 60 days after the expiration of the  
1620 applicable 5-full-business-day period. The review of a petition  
1621 or action under this subparagraph is limited to the sufficiency  
1622 of service on the board and the facial validity of the written  
1623 agreement or ballots filed.

1624 5. If a vacancy occurs on the board as a result of a  
1625 recall or removal and less than a majority of the board members

1626 are removed, the vacancy may be filled by the affirmative vote  
1627 of a majority of the remaining directors, notwithstanding any  
1628 provision to the contrary contained in this subsection. If  
1629 vacancies occur on the board as a result of a recall and a  
1630 majority or more of the board members are removed, the vacancies  
1631 shall be filled in accordance with procedural rules to be  
1632 adopted by the division, which rules need not be consistent with  
1633 this subsection. The rules must provide procedures governing the  
1634 conduct of the recall election as well as the operation of the  
1635 association during the period after a recall but before the  
1636 recall election.

1637         6. A board member who has been recalled may file a  
1638 petition or court action under ~~pursuant to~~ s. 718.1255  
1639 challenging the validity of the recall. The petition or action  
1640 must be filed within 60 days after the recall. The association  
1641 and the unit owner representative shall be named as the  
1642 respondents. The petition or action may challenge the facial  
1643 validity of the written agreement or ballots filed or the  
1644 substantial compliance with the procedural requirements for the  
1645 recall. If the arbitrator or court determines the recall was  
1646 invalid, the petitioning board member shall immediately be  
1647 reinstated and the recall is null and void. A board member who  
1648 is successful in challenging a recall is entitled to recover  
1649 reasonable attorney fees and costs from the respondents. The  
1650 arbitrator or court may award reasonable attorney fees and costs

1651 to the respondents if they prevail, if the arbitrator or court  
1652 makes a finding that the petitioner's claim is frivolous.

1653 7. The division or a court of competent jurisdiction may  
1654 not accept for filing a recall petition or court action, whether  
1655 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,  
1656 subparagraph 4., or subparagraph 6. when there are 60 or fewer  
1657 days until the scheduled reelection of the board member sought  
1658 to be recalled or when 60 or fewer days have elapsed since the  
1659 election of the board member sought to be recalled.

1660 (k) Alternative dispute resolution Arbitration.—There must  
1661 ~~shall~~ be a provision for mandatory alternative dispute  
1662 resolution ~~nonbinding arbitration~~ as provided for in s. 718.1255  
1663 for any residential condominium.

1664 ~~(p) Service providers; conflicts of interest.—An~~  
1665 ~~association, which is not a timeshare condominium association,~~  
1666 ~~may not employ or contract with any service provider that is~~  
1667 ~~owned or operated by a board member or with any person who has a~~  
1668 ~~financial relationship with a board member or officer, or a~~  
1669 ~~relative within the third degree of consanguinity by blood or~~  
1670 ~~marriage of a board member or officer. This paragraph does not~~  
1671 ~~apply to a service provider in which a board member or officer,~~  
1672 ~~or a relative within the third degree of consanguinity by blood~~  
1673 ~~or marriage of a board member or officer, owns less than 1~~  
1674 ~~percent of the equity shares.~~

1675 Section 19. Subsection (8) of section 718.113, Florida

1676 Statutes, is amended to read:

1677       718.113 Maintenance; limitation upon improvement; display  
1678 of flag; hurricane shutters and protection; display of religious  
1679 decorations.—

1680       (8) The Legislature finds that the use of electric and  
1681 natural gas fuel vehicles conserves and protects the state's  
1682 environmental resources, provides significant economic savings  
1683 to drivers, and serves an important public interest. The  
1684 participation of condominium associations is essential to the  
1685 state's efforts to conserve and protect the state's  
1686 environmental resources and provide economic savings to drivers.  
1687 For purposes of this subsection, the term "natural gas fuel" has  
1688 the same meaning as in s. 206.9951, and the term "natural gas  
1689 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
1690 that is powered by natural gas fuel. Therefore, the installation  
1691 of an electric vehicle charging station or natural gas fuel  
1692 station shall be governed as follows:

1693       (a) A declaration of condominium or restrictive covenant  
1694 may not prohibit or be enforced so as to prohibit any unit owner  
1695 from installing an electric vehicle charging station or natural  
1696 gas fuel station within the boundaries of the unit owner's  
1697 limited common element or exclusively designated parking area.  
1698 The board of administration of a condominium association may not  
1699 prohibit a unit owner from installing an electric vehicle  
1700 charging station for an electric vehicle, as defined in s.

1701 320.01, or a natural gas fuel station for a natural gas fuel  
1702 vehicle within the boundaries of his or her limited common  
1703 element or exclusively designated parking area. The installation  
1704 of such charging or fuel stations are subject to the provisions  
1705 of this subsection.

1706 (b) The installation may not cause irreparable damage to  
1707 the condominium property.

1708 (c) The electricity for the electric vehicle charging  
1709 station or natural gas fuel station must be separately metered  
1710 or metered by an embedded meter and payable by the unit owner  
1711 installing such charging or fuel station or by his or her  
1712 successor.

1713 (d) The cost for supply and storage of the natural gas  
1714 fuel must be paid by the unit owner installing the natural gas  
1715 fuel station or by his or her successor.

1716 (e) ~~(d)~~ The unit owner who is installing an electric  
1717 vehicle charging station or natural gas fuel station is  
1718 responsible for the costs of installation, operation,  
1719 maintenance, and repair, including, but not limited to, hazard  
1720 and liability insurance. The association may enforce payment of  
1721 such costs under ~~pursuant to~~ s. 718.116.

1722 (f) ~~(e)~~ If the unit owner or his or her successor decides  
1723 there is no longer a need for the electronic vehicle charging  
1724 station or natural gas fuel station, such person is responsible  
1725 for the cost of removal of such ~~the electronic vehicle~~ charging

1726 or fuel station. The association may enforce payment of such  
1727 costs under ~~pursuant to~~ s. 718.116.

1728 (g) The unit owner installing, maintaining, or removing  
1729 the electric vehicle charging station or natural gas fuel  
1730 station is responsible for complying with all federal, state, or  
1731 local laws and regulations applicable to such installation,  
1732 maintenance, or removal.

1733 (h)-(f) The association may require the unit owner to:

1734 1. Comply with bona fide safety requirements, consistent  
1735 with applicable building codes or recognized safety standards,  
1736 for the protection of persons and property.

1737 2. Comply with reasonable architectural standards adopted  
1738 by the association that govern the dimensions, placement, or  
1739 external appearance of the electric vehicle charging station or  
1740 natural gas fuel station, provided that such standards may not  
1741 prohibit the installation of such charging or fuel station or  
1742 substantially increase the cost thereof.

1743 3. Engage the services of a licensed and registered firm  
1744 ~~electrical contractor or engineer~~ familiar with the installation  
1745 or removal and core requirements of an electric vehicle charging  
1746 station or natural gas fuel station.

1747 4. Provide a certificate of insurance naming the  
1748 association as an additional insured on the owner's insurance  
1749 policy for any claim related to the installation, maintenance,  
1750 or use of the electric vehicle charging station or natural gas

1751 fuel station within 14 days after receiving the association's  
1752 approval to install such charging or fuel station or notice to  
1753 provide such a certificate.

1754 5. Reimburse the association for the actual cost of any  
1755 increased insurance premium amount attributable to the electric  
1756 vehicle charging station or natural gas fuel station within 14  
1757 days after receiving the association's insurance premium  
1758 invoice.

1759 (i)~~(g)~~ The association provides an implied easement across  
1760 the common elements of the condominium property to the unit  
1761 owner for purposes of ~~the installation of the~~ electric vehicle  
1762 charging station or natural gas fuel station installation, and  
1763 the furnishing of electrical power or natural gas fuel supply,  
1764 including any necessary equipment, to such charging or fuel  
1765 station, subject to the requirements of this subsection.

1766 Section 20. Subsection (16) of section 718.117, Florida  
1767 Statutes, is amended to read:

1768 718.117 Termination of condominium.—

1769 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest  
1770 a plan of termination by initiating a petition in accordance  
1771 with ~~for mandatory nonbinding arbitration pursuant to s.~~  
1772 718.1255 within 90 days after the date the plan is recorded. A  
1773 unit owner or lienor may only contest the fairness and  
1774 reasonableness of the apportionment of the proceeds from the  
1775 sale among the unit owners, that the liens of the first

1776 mortgages of unit owners other than the bulk owner have not or  
1777 will not be satisfied to the extent required by subsection (3),  
1778 or that the required vote to approve the plan was not obtained.  
1779 A unit owner or lienor who does not contest the plan within the  
1780 90-day period is barred from asserting or prosecuting a claim  
1781 against the association, the termination trustee, any unit  
1782 owner, or any successor in interest to the condominium property.  
1783 In an action contesting a plan of termination, the person  
1784 contesting the plan has the burden of pleading and proving that  
1785 the apportionment of the proceeds from the sale among the unit  
1786 owners was not fair and reasonable or that the required vote was  
1787 not obtained. The apportionment of sale proceeds is presumed  
1788 fair and reasonable if it was determined pursuant to the methods  
1789 prescribed in subsection (12). If the petition is filed with the  
1790 division for arbitration, the arbitrator shall determine the  
1791 rights and interests of the parties in the apportionment of the  
1792 sale proceeds. If the arbitrator determines that the  
1793 apportionment of sales proceeds is not fair and reasonable, the  
1794 arbitrator may void the plan or may modify the plan to apportion  
1795 the proceeds in a fair and reasonable manner pursuant to this  
1796 section based upon the proceedings and order the modified plan  
1797 of termination to be implemented. If the arbitrator determines  
1798 that the plan was not properly approved, or that the procedures  
1799 to adopt the plan were not properly followed, the arbitrator may  
1800 void the plan or grant other relief it deems just and proper.



1801 The arbitrator shall automatically void the plan upon a finding  
1802 that any of the disclosures required in subparagraph (3)(c)5.  
1803 are omitted, misleading, incomplete, or inaccurate. Any  
1804 challenge to a plan, other than a challenge that the required  
1805 vote was not obtained, does not affect title to the condominium  
1806 property or the vesting of the condominium property in the  
1807 trustee, but shall only be a claim against the proceeds of the  
1808 plan. In any such action, the prevailing party shall recover  
1809 reasonable attorney fees and costs.

1810 Section 21. Subsection (2) of section 718.121, Florida  
1811 Statutes, is amended to read:

1812 718.121 Liens.—

1813 (2) Labor performed on or materials furnished to a unit  
1814 may shall not be the basis for the filing of a lien under  
1815 ~~pursuant to~~ part I of chapter 713, the Construction Lien Law,  
1816 against the unit or condominium parcel of any unit owner not  
1817 expressly consenting to or requesting the labor or materials.  
1818 Labor performed on or materials furnished for the installation  
1819 of a natural gas fuel station or an electronic vehicle charging  
1820 station under ~~pursuant to~~ s. 718.113(8) may not be the basis for  
1821 filing a lien under part I of chapter 713 against the  
1822 association, but such a lien may be filed against the unit  
1823 owner. Labor performed on or materials furnished to the common  
1824 elements are not the basis for a lien on the common elements,  
1825 but if authorized by the association, the labor or materials are

1826 deemed to be performed or furnished with the express consent of  
 1827 each unit owner and may be the basis for the filing of a lien  
 1828 against all condominium parcels in the proportions for which the  
 1829 owners are liable for common expenses.

1830 Section 22. Subsections (5) and (6) of section 718.1255,  
 1831 Florida Statutes, are renumbered as subsections (6) and (7),  
 1832 respectively, subsection (2) and paragraph (a) of subsection (4)  
 1833 of that section are amended, and a new subsection (5) is added  
 1834 to that section, to read:

1835 718.1255 Alternative dispute resolution; ~~voluntary~~  
 1836 mediation; ~~mandatory~~ nonbinding arbitration; legislative  
 1837 findings.—

1838 (2) ~~VOLUNTARY~~ MEDIATION.—~~Voluntary~~ Mediation through  
 1839 Citizen Dispute Settlement Centers as provided for in s. 44.201  
 1840 is encouraged.

1841 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF  
 1842 DISPUTES.—The Division of Florida Condominiums, Timeshares, and  
 1843 Mobile Homes of the Department of Business and Professional  
 1844 Regulation may employ full-time attorneys to act as arbitrators  
 1845 to conduct the arbitration hearings provided by this chapter.  
 1846 The division may also certify attorneys who are not employed by  
 1847 the division to act as arbitrators to conduct the arbitration  
 1848 hearings provided by this chapter. A ~~No~~ person may not be  
 1849 employed by the department as a full-time arbitrator unless he  
 1850 or she is a member in good standing of The Florida Bar. A person

1851 | may only be certified by the division to act as an arbitrator if  
1852 | he or she has been a member in good standing of The Florida Bar  
1853 | for at least 5 years and has mediated or arbitrated at least 10  
1854 | disputes involving condominiums in this state during the 3 years  
1855 | immediately preceding the date of application, mediated or  
1856 | arbitrated at least 30 disputes in any subject area in this  
1857 | state during the 3 years immediately preceding the date of  
1858 | application, or attained board certification in real estate law  
1859 | or condominium and planned development law from The Florida Bar.  
1860 | Arbitrator certification is valid for 1 year. An arbitrator who  
1861 | does not maintain the minimum qualifications for initial  
1862 | certification may not have his or her certification renewed. The  
1863 | department may not enter into a legal services contract for an  
1864 | arbitration hearing under this chapter with an attorney who is  
1865 | not a certified arbitrator unless a certified arbitrator is not  
1866 | available within 50 miles of the dispute. The department shall  
1867 | adopt rules of procedure to govern such arbitration hearings  
1868 | including mediation incident thereto. The decision of an  
1869 | arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not  
1870 | ~~be~~ deemed final agency action. Nothing in this provision shall  
1871 | be construed to foreclose parties from proceeding in a trial de  
1872 | novo unless the parties have agreed that the arbitration is  
1873 | binding. If judicial proceedings are initiated, the final  
1874 | decision of the arbitrator is ~~shall be~~ admissible in evidence in  
1875 | the trial de novo.

1876 (a) Before ~~Prior to~~ the institution of court litigation, a  
 1877 party to a dispute, other than an election or recall dispute,  
 1878 shall either petition the division for nonbinding arbitration or  
 1879 initiate presuit mediation as provided in subsection (5).

1880 Arbitration is binding on the parties if all parties in  
 1881 arbitration agree to be bound in a writing filed in arbitration.  
 1882 The petition must be accompanied by a filing fee in the amount  
 1883 of \$50. Filing fees collected under this section must be used to  
 1884 defray the expenses of the alternative dispute resolution  
 1885 program.

1886 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
 1887 nonbinding arbitration as set forth in subsections (1)-(4), a  
 1888 party may submit a dispute to presuit mediation in accordance  
 1889 with s. 720.311. Election and recall disputes are not eligible  
 1890 for mediation and such disputes must be arbitrated by the  
 1891 division or filed in a court of competent jurisdiction.

1892 Section 23. Subsection (3) of section 718.202, Florida  
 1893 Statutes, is amended to read:

1894 718.202 Sales or reservation deposits prior to closing.—

1895 (3) If the contract for sale of the condominium unit so  
 1896 provides, the developer may withdraw escrow funds in excess of  
 1897 10 percent of the purchase price from the special account  
 1898 required by subsection (2) when the construction of improvements  
 1899 has begun. He or she may use the funds for the actual costs  
 1900 incurred by the developer in the ~~actual~~ construction and

1901 development of the condominium property in which the unit to be  
 1902 sold is located. Actual costs include, but are not limited to,  
 1903 expenditures for demolition, site clearing, permit fees, impact  
 1904 fees, and utility reservation fees, as well as architectural,  
 1905 engineering, and surveying fees that directly relate to  
 1906 construction and development. However, no part of these funds  
 1907 may be used for salaries, commissions, or expenses of  
 1908 salespersons; ~~or~~ for advertising, marketing, or promotional  
 1909 purposes; or for loan fees, costs or interest, attorney fees,  
 1910 accounting fees, or insurance. A contract which permits use of  
 1911 the advance payments for these purposes shall include the  
 1912 following legend conspicuously printed or stamped in boldfaced  
 1913 type on the first page of the contract and immediately above the  
 1914 place for the signature of the buyer: ANY PAYMENT IN EXCESS OF  
 1915 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO  
 1916 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION  
 1917 PURPOSES BY THE DEVELOPER.

1918 Section 24. Subsection (1) and paragraph (b) of subsection  
 1919 (3) of section 718.303, Florida Statutes, are amended to read:

1920 718.303 Obligations of owners and occupants; remedies.—  
 1921 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
 1922 ~~each~~ association is governed by, and must comply with the  
 1923 provisions of, this chapter, the declaration, the documents  
 1924 creating the association, and the association bylaws which are  
 1925 ~~shall be deemed~~ expressly incorporated into any lease of a unit.

1926 | Actions at law or in equity ~~for damages or for injunctive~~  
1927 | ~~relief~~, or both, for failure to comply with these provisions may  
1928 | be brought by the association or by a unit owner against:

1929 |       (a) The association.

1930 |       (b) A unit owner.

1931 |       (c) Directors designated by the developer, for actions  
1932 | taken by them before control of the association is assumed by  
1933 | unit owners other than the developer.

1934 |       (d) Any director who willfully and knowingly fails to  
1935 | comply with these provisions.

1936 |       (e) Any tenant leasing a unit, and any other invitee  
1937 | occupying a unit.

1938 |  
1939 | The prevailing party in any such action or in any action in  
1940 | which the purchaser claims a right of voidability based upon  
1941 | contractual provisions as required in s. 718.503(1)(a) is  
1942 | entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
1943 | owner prevailing in an action between the association and the  
1944 | unit owner under this subsection ~~section~~, in addition to  
1945 | recovering his or her reasonable attorney ~~attorney's~~ fees, may  
1946 | recover additional amounts as determined by the court to be  
1947 | necessary to reimburse the unit owner for his or her share of  
1948 | assessments levied by the association to fund its expenses of  
1949 | the litigation. This relief does not exclude other remedies  
1950 | provided by law. Actions arising under this subsection are not

1951 | considered ~~may not be deemed to be~~ actions for specific  
1952 | performance.

1953 |       (3) The association may levy reasonable fines for the  
1954 | failure of the owner of the unit or its occupant, licensee, or  
1955 | invitee to comply with any provision of the declaration, the  
1956 | association bylaws, or reasonable rules of the association. A  
1957 | fine may not become a lien against a unit. A fine may be levied  
1958 | by the board on the basis of each day of a continuing violation,  
1959 | with a single notice and opportunity for hearing before a  
1960 | committee as provided in paragraph (b). However, the fine may  
1961 | not exceed \$100 per violation, or \$1,000 in the aggregate.

1962 |       (b) A fine or suspension levied by the board of  
1963 | administration may not be imposed unless the board first  
1964 | provides at least 14 days' written notice to the unit owner and,  
1965 | if applicable, any tenant ~~occupant~~, licensee, or invitee of the  
1966 | unit owner sought to be fined or suspended, and an opportunity  
1967 | for a hearing before a committee of at least three members  
1968 | appointed by the board who are not officers, directors, or  
1969 | employees of the association, or the spouse, parent, child,  
1970 | brother, or sister of an officer, director, or employee. The  
1971 | role of the committee is limited to determining whether to  
1972 | confirm or reject the fine or suspension levied by the board. If  
1973 | the committee does not approve the proposed fine or suspension  
1974 | by majority vote, the fine or suspension may not be imposed. If  
1975 | the proposed fine or suspension is approved by the committee,

1976 | the fine payment is due 5 days after notice of the approved fine  
 1977 | is provided to the unit owner and, if applicable, to any tenant,  
 1978 | licensee, or invitee of the unit owner ~~the date of the committee~~  
 1979 | ~~meeting at which the fine is approved.~~ The association must  
 1980 | provide written notice of such fine or suspension by mail or  
 1981 | hand delivery to the unit owner and, if applicable, to any  
 1982 | tenant, licensee, or invitee of the unit owner.

1983 | Section 25. Section 718.501, Florida Statutes, is amended  
 1984 | to read:

1985 | 718.501 Authority, responsibility, and duties of Division  
 1986 | of Florida Condominiums, Timeshares, and Mobile Homes.—

1987 | (1) As used in this section, the term "financial issue"  
 1988 | means an issue related to operating budgets; reserve schedules;  
 1989 | accounting records under s. 718.111(12)(a)11.; notices of  
 1990 | meetings; minutes of meetings discussing budget or financial  
 1991 | issues; assessments for common expenses, fees, or fines; the  
 1992 | commingling of funds; and any other record necessary to  
 1993 | determine the revenues and expenses of the association. The  
 1994 | division may adopt rules to further define what a financial  
 1995 | issue is under this section and to adopt the checklist provided  
 1996 | for in s. 718.111(12)(c)1.

1997 | (2)~~(1)~~ The division may enforce and ensure compliance with  
 1998 | ~~the provisions of~~ this chapter and rules relating to the  
 1999 | development, construction, sale, lease, ownership, operation,  
 2000 | and management of residential condominium units. In performing



2001 its duties, the division has complete jurisdiction to  
 2002 investigate complaints and enforce compliance with respect to  
 2003 associations that are still under developer control or the  
 2004 control of a bulk assignee or bulk buyer pursuant to part VII of  
 2005 this chapter and complaints against developers, bulk assignees,  
 2006 or bulk buyers involving improper turnover or failure to  
 2007 turnover, pursuant to s. 718.301. However, after turnover has  
 2008 occurred, the division has jurisdiction to investigate  
 2009 complaints related only to financial issues, elections, and the  
 2010 maintenance of and unit owner access to association records  
 2011 under ~~pursuant to~~ s. 718.111(12).

2012 (a)1. The division may make necessary public or private  
 2013 investigations within or outside this state to determine whether  
 2014 any person has violated this chapter or any rule or order  
 2015 hereunder, to aid in the enforcement of this chapter, or to aid  
 2016 in the adoption of rules or forms.

2017 2. The division may submit any official written report,  
 2018 worksheet, or other related paper, or a duly certified copy  
 2019 thereof, compiled, prepared, drafted, or otherwise made by and  
 2020 duly authenticated by a financial examiner or analyst to be  
 2021 admitted as competent evidence in any hearing in which the  
 2022 financial examiner or analyst is available for cross-examination  
 2023 and attests under oath that such documents were prepared as a  
 2024 result of an examination or inspection conducted pursuant to  
 2025 this chapter.

2026 (b) The division may require or permit any person to file  
 2027 a statement in writing, under oath or otherwise, as the division  
 2028 determines, as to the facts and circumstances concerning a  
 2029 matter to be investigated.

2030 (c) For the purpose of any investigation under this  
 2031 chapter, the division director or any officer or employee  
 2032 designated by the division director may administer oaths or  
 2033 affirmations, subpoena witnesses and compel their attendance,  
 2034 take evidence, and require the production of any matter which is  
 2035 relevant to the investigation, including the existence,  
 2036 description, nature, custody, condition, and location of any  
 2037 books, documents, or other tangible things and the identity and  
 2038 location of persons having knowledge of relevant facts or any  
 2039 other matter reasonably calculated to lead to the discovery of  
 2040 material evidence. Upon the failure by a person to obey a  
 2041 subpoena or to answer questions propounded by the investigating  
 2042 officer and upon reasonable notice to all affected persons, the  
 2043 division may apply to the circuit court for an order compelling  
 2044 compliance.

2045 (d) Notwithstanding any remedies available to unit owners  
 2046 and associations, if the division has reasonable cause to  
 2047 believe that a violation of any provision of this chapter or  
 2048 related rule has occurred, the division may institute  
 2049 enforcement proceedings in its own name against any developer,  
 2050 bulk assignee, bulk buyer, association, officer, or member of

2051 the board of administration, or its assignees or agents, as  
2052 follows:

2053 1. The division may permit a person whose conduct or  
2054 actions may be under investigation to waive formal proceedings  
2055 and enter into a consent proceeding whereby orders, rules, or  
2056 letters of censure or warning, whether formal or informal, may  
2057 be entered against the person.

2058 2. The division may issue an order requiring the  
2059 developer, bulk assignee, bulk buyer, association, developer-  
2060 designated officer, or developer-designated member of the board  
2061 of administration, developer-designated assignees or agents,  
2062 bulk assignee-designated assignees or agents, bulk buyer-  
2063 designated assignees or agents, community association manager,  
2064 or community association management firm to cease and desist  
2065 from the unlawful practice and take such affirmative action as  
2066 in the judgment of the division carry out the purposes of this  
2067 chapter. If the division finds that a developer, bulk assignee,  
2068 bulk buyer, association, officer, or member of the board of  
2069 administration, or its assignees or agents, is violating or is  
2070 about to violate any provision of this chapter, any rule adopted  
2071 or order issued by the division, or any written agreement  
2072 entered into with the division, and presents an immediate danger  
2073 to the public requiring an immediate final order, it may issue  
2074 an emergency cease and desist order reciting with particularity  
2075 the facts underlying such findings. The emergency cease and

2076 desist order is effective for 90 days. If the division begins  
2077 nonemergency cease and desist proceedings, the emergency cease  
2078 and desist order remains effective until the conclusion of the  
2079 proceedings under ss. 120.569 and 120.57.

2080 3. If a developer, bulk assignee, or bulk buyer, fails to  
2081 pay any restitution determined by the division to be owed, plus  
2082 any accrued interest at the highest rate permitted by law,  
2083 within 30 days after expiration of any appellate time period of  
2084 a final order requiring payment of restitution or the conclusion  
2085 of any appeal thereof, whichever is later, the division must  
2086 bring an action in circuit or county court on behalf of any  
2087 association, class of unit owners, lessees, or purchasers for  
2088 restitution, declaratory relief, injunctive relief, or any other  
2089 available remedy. The division may also temporarily revoke its  
2090 acceptance of the filing for the developer to which the  
2091 restitution relates until payment of restitution is made.

2092 4. The division may petition the court for appointment of  
2093 a receiver or conservator. If appointed, the receiver or  
2094 conservator may take action to implement the court order to  
2095 ensure the performance of the order and to remedy any breach  
2096 thereof. In addition to all other means provided by law for the  
2097 enforcement of an injunction or temporary restraining order, the  
2098 circuit court may impound or sequester the property of a party  
2099 defendant, including books, papers, documents, and related  
2100 records, and allow the examination and use of the property by

2101 the division and a court-appointed receiver or conservator.

2102 5. The division may apply to the circuit court for an  
 2103 order of restitution whereby the defendant in an action brought  
 2104 under ~~pursuant to~~ subparagraph 4. is ordered to make restitution  
 2105 of those sums shown by the division to have been obtained by the  
 2106 defendant in violation of this chapter. At the option of the  
 2107 court, such restitution is payable to the conservator or  
 2108 receiver appointed under ~~pursuant to~~ subparagraph 4. or directly  
 2109 to the persons whose funds or assets were obtained in violation  
 2110 of this chapter.

2111 6. The division may impose a civil penalty against a  
 2112 developer, bulk assignee, or bulk buyer, or association, or its  
 2113 assignee or agent, for any violation of this chapter or related  
 2114 rule. The division may impose a civil penalty individually  
 2115 against an officer or board member who willfully and knowingly  
 2116 violates ~~a provision of~~ this chapter, adopted rule, or a final  
 2117 order of the division; may order the removal of such individual  
 2118 as an officer or from the board of administration or as an  
 2119 officer of the association; and may prohibit such individual  
 2120 from serving as an officer or on the board of a community  
 2121 association for a period of time. The term "willfully and  
 2122 knowingly" means that the division informed the officer or board  
 2123 member that his or her action or intended action violates this  
 2124 chapter, a rule adopted under this chapter, or a final order of  
 2125 the division and that the officer or board member refused to

2126 | comply with the requirements of this chapter, a rule adopted  
2127 | under this chapter, or a final order of the division. The  
2128 | division, before initiating formal agency action under chapter  
2129 | 120, must afford the officer or board member an opportunity to  
2130 | voluntarily comply, and an officer or board member who complies  
2131 | within 10 days is not subject to a civil penalty. A penalty may  
2132 | be imposed on the basis of each day of continuing violation, but  
2133 | the penalty for any offense may not exceed \$5,000. ~~By January 1,~~  
2134 | ~~1998,~~ The division shall adopt, by rule, penalty guidelines  
2135 | applicable to possible violations or to categories of violations  
2136 | of this chapter or rules adopted by the division. The guidelines  
2137 | must specify a meaningful range of civil penalties for each such  
2138 | violation of the statute and rules and must be based upon the  
2139 | harm caused by the violation, the repetition of the violation,  
2140 | and upon such other factors deemed relevant by the division. For  
2141 | example, the division may consider whether the violations were  
2142 | committed by a developer, bulk assignee, or bulk buyer, or  
2143 | owner-controlled association, the size of the association, and  
2144 | other factors. The guidelines must designate the possible  
2145 | mitigating or aggravating circumstances that justify a departure  
2146 | from the range of penalties provided by the rules. It is the  
2147 | legislative intent that minor violations be distinguished from  
2148 | those which endanger the health, safety, or welfare of the  
2149 | condominium residents or other persons and that such guidelines  
2150 | provide reasonable and meaningful notice to the public of likely

2151 penalties that may be imposed for proscribed conduct. This  
2152 subsection does not limit the ability of the division to  
2153 informally dispose of administrative actions or complaints by  
2154 stipulation, agreed settlement, or consent order. All amounts  
2155 collected shall be deposited with the Chief Financial Officer to  
2156 the credit of the Division of Florida Condominiums, Timeshares,  
2157 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2158 bulk buyer fails to pay the civil penalty and the amount deemed  
2159 to be owed to the association, the division shall issue an order  
2160 directing that such developer, bulk assignee, or bulk buyer  
2161 cease and desist from further operation until such time as the  
2162 civil penalty is paid or may pursue enforcement of the penalty  
2163 in a court of competent jurisdiction. If an association fails to  
2164 pay the civil penalty, the division shall pursue enforcement in  
2165 a court of competent jurisdiction, and the order imposing the  
2166 civil penalty or the cease and desist order is not effective  
2167 until 20 days after the date of such order. Any action commenced  
2168 by the division shall be brought in the county in which the  
2169 division has its executive offices or in the county where the  
2170 violation occurred.

2171 7. If a unit owner presents the division with proof that  
2172 the unit owner has requested access to official records in  
2173 writing by certified mail, and that after 10 days the unit owner  
2174 again made the same request for access to official records in  
2175 writing by certified mail, and that more than 10 days has

2176 elapsed since the second request and the association has still  
2177 failed or refused to provide access to official records as  
2178 required by this chapter, the division shall issue a subpoena  
2179 requiring production of the requested records where the records  
2180 are kept pursuant to s. 718.112.

2181 8. In addition to subparagraph 6., the division may seek  
2182 the imposition of a civil penalty through the circuit court for  
2183 any violation for which the division may issue a notice to show  
2184 cause under paragraph (r). The civil penalty shall be at least  
2185 \$500 but no more than \$5,000 for each violation. The court may  
2186 also award to the prevailing party court costs and reasonable  
2187 attorney ~~attorney's~~ fees and, if the division prevails, may also  
2188 award reasonable costs of investigation.

2189 (e) The division may prepare and disseminate a prospectus  
2190 and other information to assist prospective owners, purchasers,  
2191 lessees, and developers of residential condominiums in assessing  
2192 the rights, privileges, and duties pertaining thereto.

2193 (f) The division may adopt rules to administer and enforce  
2194 ~~the provisions of~~ this chapter.

2195 (g) The division shall establish procedures for providing  
2196 notice to an association and the developer, bulk assignee, or  
2197 bulk buyer during the period in which the developer, bulk  
2198 assignee, or bulk buyer controls the association if the division  
2199 is considering the issuance of a declaratory statement with  
2200 respect to the declaration of condominium or any related



2201 document governing such condominium community.

2202 (h) The division shall furnish each association that pays  
 2203 the fees required by paragraph (3) (a) ~~(2) (a)~~ a copy of this  
 2204 chapter, as amended, and the rules adopted thereto on an annual  
 2205 basis.

2206 (i) The division shall annually provide each association  
 2207 with a summary of declaratory statements and formal legal  
 2208 opinions relating to the operations of condominiums which were  
 2209 rendered by the division during the previous year.

2210 (j) The division shall provide training and educational  
 2211 programs for condominium association board members and unit  
 2212 owners. The training may, in the division's discretion, include  
 2213 web-based electronic media, and live training and seminars in  
 2214 various locations throughout the state. The division may review  
 2215 and approve education and training programs for board members  
 2216 and unit owners offered by providers and shall maintain a  
 2217 current list of approved programs and providers and make such  
 2218 list available to board members and unit owners in a reasonable  
 2219 and cost-effective manner. The division may adopt rules to  
 2220 establish requirements for the training and educational programs  
 2221 required in this paragraph.

2222 (k) The division shall maintain a toll-free telephone  
 2223 number accessible to condominium unit owners.

2224 (l) The division shall develop a program to certify both  
 2225 volunteer and paid mediators to provide mediation of condominium

2226 | disputes. The division shall provide, upon request, a list of  
2227 | such mediators to any association, unit owner, or other  
2228 | participant in alternative dispute resolution ~~arbitration~~  
2229 | proceedings under s. 718.1255 requesting a copy of the list. The  
2230 | division shall include on the list of volunteer mediators only  
2231 | the names of persons who have received at least 20 hours of  
2232 | training in mediation techniques or who have mediated at least  
2233 | 20 disputes. In order to become initially certified by the  
2234 | division, paid mediators must be certified by the Supreme Court  
2235 | to mediate court cases in county or circuit courts. However, the  
2236 | division may adopt, by rule, additional factors for the  
2237 | certification of paid mediators, which must be related to  
2238 | experience, education, or background. Any person initially  
2239 | certified as a paid mediator by the division must, in order to  
2240 | continue to be certified, comply with the factors or  
2241 | requirements adopted by rule.

2242 |       (m) If a complaint is made, the division must conduct its  
2243 | inquiry with due regard for the interests of the affected  
2244 | parties. Within 30 days after receipt of a complaint, the  
2245 | division shall acknowledge the complaint in writing and notify  
2246 | the complainant whether the complaint is within the jurisdiction  
2247 | of the division and whether additional information is needed by  
2248 | the division from the complainant. The division shall conduct  
2249 | its investigation and, within 90 days after receipt of the  
2250 | original complaint or of timely requested additional

2251 information, take action upon the complaint. However, the  
2252 failure to complete the investigation within 90 days does not  
2253 prevent the division from continuing the investigation,  
2254 accepting or considering evidence obtained or received after 90  
2255 days, or taking administrative action if reasonable cause exists  
2256 to believe that a violation of this chapter or a rule has  
2257 occurred. If an investigation is not completed within the time  
2258 limits established in this paragraph, the division shall, on a  
2259 monthly basis, notify the complainant in writing of the status  
2260 of the investigation. When reporting its action to the  
2261 complainant, the division shall inform the complainant of any  
2262 right to a hearing under ~~pursuant to~~ ss. 120.569 and 120.57.

2263 (n) Condominium association directors, officers, and  
2264 employees; condominium developers; bulk assignees, bulk buyers,  
2265 and community association managers; and community association  
2266 management firms have an ongoing duty to reasonably cooperate  
2267 with the division in any investigation under ~~pursuant to~~ this  
2268 section. The division shall refer to local law enforcement  
2269 authorities any person whom the division believes has altered,  
2270 destroyed, concealed, or removed any record, document, or thing  
2271 required to be kept or maintained by this chapter with the  
2272 purpose to impair its verity or availability in the department's  
2273 investigation.

2274 (o) The division may:

2275 1. Contract with agencies in this state or other

2276 | jurisdictions to perform investigative functions; or

2277 |         2. Accept grants-in-aid from any source.

2278 |         (p) The division shall cooperate with similar agencies in  
2279 | other jurisdictions to establish uniform filing procedures and  
2280 | forms, public offering statements, advertising standards, and  
2281 | rules and common administrative practices.

2282 |         (q) The division shall consider notice to a developer,  
2283 | bulk assignee, or bulk buyer to be complete when it is delivered  
2284 | to the address of the developer, bulk assignee, or bulk buyer  
2285 | currently on file with the division.

2286 |         (r) In addition to its enforcement authority, the division  
2287 | may issue a notice to show cause, which must provide for a  
2288 | hearing, upon written request, in accordance with chapter 120.

2289 |         (s) The division shall submit to the Governor, the  
2290 | President of the Senate, the Speaker of the House of  
2291 | Representatives, and the chairs of the legislative  
2292 | appropriations committees an annual report that includes, but  
2293 | need not be limited to, the number of training programs provided  
2294 | for condominium association board members and unit owners, the  
2295 | number of complaints received by type, the number and percent of  
2296 | complaints acknowledged in writing within 30 days and the number  
2297 | and percent of investigations acted upon within 90 days in  
2298 | accordance with paragraph (m), and the number of investigations  
2299 | exceeding the 90-day requirement. The annual report must also  
2300 | include an evaluation of the division's core business processes

2301 and make recommendations for improvements, including statutory  
 2302 changes. The report shall be submitted by September 30 following  
 2303 the end of the fiscal year.

2304 (3) (a) ~~(2) (a)~~ Each condominium association which operates  
 2305 more than two units shall pay to the division an annual fee in  
 2306 the amount of \$4 for each residential unit in condominiums  
 2307 operated by the association. If the fee is not paid by March 1,  
 2308 the association shall be assessed a penalty of 10 percent of the  
 2309 amount due, and the association will not have standing to  
 2310 maintain or defend any action in the courts of this state until  
 2311 the amount due, plus any penalty, is paid.

2312 (b) All fees shall be deposited in the Division of Florida  
 2313 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
 2314 provided by law.

2315 Section 26. Section 718.5014, Florida Statutes, is amended  
 2316 to read:

2317 718.5014 Ombudsman location.—The ombudsman shall maintain  
 2318 his or her principal office in a Leon County ~~on the premises of~~  
 2319 ~~the division or, if suitable space cannot be provided there, at~~  
 2320 ~~another~~ place convenient to the offices of the division which  
 2321 will enable the ombudsman to expeditiously carry out the duties  
 2322 and functions of his or her office. The ombudsman may establish  
 2323 branch offices elsewhere in the state upon the concurrence of  
 2324 the Governor.

2325 Section 27. Subsection (25) of section 719.103, Florida

2326 Statutes, is amended to read:

2327 719.103 Definitions.—As used in this chapter:

2328 (25) "Unit" means a part of the cooperative property which  
 2329 is subject to exclusive use and possession. A unit may be  
 2330 improvements, land, or land and improvements together, as  
 2331 specified in the cooperative documents. An interest in a unit is  
 2332 an interest in real property.

2333 Section 28. Paragraph (c) of subsection (2) of section  
 2334 719.104, Florida Statutes, is amended to read:

2335 719.104 Cooperatives; access to units; records; financial  
 2336 reports; assessments; purchase of leases.—

2337 (2) OFFICIAL RECORDS.—

2338 (c) The official records of the association are open to  
 2339 inspection by any association member or the authorized  
 2340 representative of such member at all reasonable times. The right  
 2341 to inspect the records includes the right to make or obtain  
 2342 copies, at the reasonable expense, if any, of the association  
 2343 member. The association may adopt reasonable rules regarding the  
 2344 frequency, time, location, notice, and manner of record  
 2345 inspections and copying, but may not require a member to  
 2346 demonstrate any purpose or state any reason for the inspection.

2347 The failure of an association to provide the records within 10  
 2348 working days after receipt of a written request creates a  
 2349 rebuttable presumption that the association willfully failed to  
 2350 comply with this paragraph. A member ~~unit owner~~ who is denied

2351 access to official records is entitled to the actual damages or  
2352 minimum damages for the association's willful failure to comply.  
2353 The minimum damages are \$50 per calendar day for up to 10 days,  
2354 beginning on the 11th working day after receipt of the written  
2355 request. The failure to permit inspection entitles any person  
2356 prevailing in an enforcement action to recover reasonable  
2357 attorney fees from the person in control of the records who,  
2358 directly or indirectly, knowingly denied access to the records.  
2359 Any person who knowingly or intentionally defaces or destroys  
2360 accounting records that are required by this chapter to be  
2361 maintained during the period for which such records are required  
2362 to be maintained, or who knowingly or intentionally fails to  
2363 create or maintain accounting records that are required to be  
2364 created or maintained, with the intent of causing harm to the  
2365 association or one or more of its members, is personally subject  
2366 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
2367 association shall maintain an adequate number of copies of the  
2368 declaration, articles of incorporation, bylaws, and rules, and  
2369 all amendments to each of the foregoing, as well as the question  
2370 and answer sheet as described in s. 719.504 and year-end  
2371 financial information required by the department, on the  
2372 cooperative property to ensure their availability to members  
2373 ~~unit owners~~ and prospective purchasers, and may charge its  
2374 actual costs for preparing and furnishing these documents to  
2375 those requesting the same. An association shall allow a member

2376 or his or her authorized representative to use a portable  
 2377 device, including a smartphone, tablet, portable scanner, or any  
 2378 other technology capable of scanning or taking photographs, to  
 2379 make an electronic copy of the official records in lieu of the  
 2380 association providing the member or his or her authorized  
 2381 representative with a copy of such records. The association may  
 2382 not charge a member or his or her authorized representative for  
 2383 the use of a portable device. Notwithstanding this paragraph,  
 2384 the following records shall not be accessible to members ~~unit~~  
 2385 ~~owners~~:

2386 1. Any record protected by the lawyer-client privilege as  
 2387 described in s. 90.502 and any record protected by the work-  
 2388 product privilege, including any record prepared by an  
 2389 association attorney or prepared at the attorney's express  
 2390 direction which reflects a mental impression, conclusion,  
 2391 litigation strategy, or legal theory of the attorney or the  
 2392 association, and which was prepared exclusively for civil or  
 2393 criminal litigation or for adversarial administrative  
 2394 proceedings, or which was prepared in anticipation of such  
 2395 litigation or proceedings until the conclusion of the litigation  
 2396 or proceedings.

2397 2. Information obtained by an association in connection  
 2398 with the approval of the lease, sale, or other transfer of a  
 2399 unit.

2400 3. Personnel records of association or management company



2401 employees, including, but not limited to, disciplinary, payroll,  
2402 health, and insurance records. For purposes of this  
2403 subparagraph, the term "personnel records" does not include  
2404 written employment agreements with an association employee or  
2405 management company, or budgetary or financial records that  
2406 indicate the compensation paid to an association employee.

2407 4. Medical records of unit owners.

2408 5. Social security numbers, driver license numbers, credit  
2409 card numbers, e-mail addresses, telephone numbers, facsimile  
2410 numbers, emergency contact information, addresses of a unit  
2411 owner other than as provided to fulfill the association's notice  
2412 requirements, and other personal identifying information of any  
2413 person, excluding the person's name, unit designation, mailing  
2414 address, property address, and any address, e-mail address, or  
2415 facsimile number provided to the association to fulfill the  
2416 association's notice requirements. Notwithstanding the  
2417 restrictions in this subparagraph, an association may print and  
2418 distribute to unit ~~parcel~~ owners a directory containing the  
2419 name, unit ~~parcel~~ address, and all telephone numbers of each  
2420 unit ~~parcel~~ owner. However, an owner may exclude his or her  
2421 telephone numbers from the directory by so requesting in writing  
2422 to the association. An owner may consent in writing to the  
2423 disclosure of other contact information described in this  
2424 subparagraph. The association is not liable for the inadvertent  
2425 disclosure of information that is protected under this

2426 subparagraph if the information is included in an official  
2427 record of the association and is voluntarily provided by an  
2428 owner and not requested by the association.

2429 6. Electronic security measures that are used by the  
2430 association to safeguard data, including passwords.

2431 7. The software and operating system used by the  
2432 association which allow the manipulation of data, even if the  
2433 owner owns a copy of the same software used by the association.  
2434 The data is part of the official records of the association.

2435 Section 29. Paragraphs (b), (f), and (l) of subsection (1)  
2436 of section 719.106, Florida Statutes, are amended, and  
2437 subsection (3) is added to that section, to read:

2438 719.106 Bylaws; cooperative ownership.—

2439 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2440 documents shall provide for the following, and if they do not,  
2441 they shall be deemed to include the following:

2442 (b) Quorum; voting requirements; proxies.—

2443 1. Unless otherwise provided in the bylaws, the percentage  
2444 of voting interests required to constitute a quorum at a meeting  
2445 of the members shall be a majority of voting interests, and  
2446 decisions shall be made by owners of a majority of the voting  
2447 interests. Unless otherwise provided in this chapter, or in the  
2448 articles of incorporation, bylaws, or other cooperative  
2449 documents, and except as provided in subparagraph (d)1.,  
2450 decisions shall be made by owners of a majority of the voting

2451 interests represented at a meeting at which a quorum is present.

2452       2. Except as specifically otherwise provided herein, after  
2453 January 1, 1992, unit owners may not vote by general proxy, but  
2454 may vote by limited proxies substantially conforming to a  
2455 limited proxy form adopted by the division. Limited proxies and  
2456 general proxies may be used to establish a quorum. Limited  
2457 proxies shall be used for votes taken to waive or reduce  
2458 reserves in accordance with subparagraph (j)2., for votes taken  
2459 to waive the financial reporting requirements of s.  
2460 719.104(4)(b), for votes taken to amend the articles of  
2461 incorporation or bylaws pursuant to this section, and for any  
2462 other matter for which this chapter requires or permits a vote  
2463 of the unit owners. Except as provided in paragraph (d), after  
2464 January 1, 1992, no proxy, limited or general, shall be used in  
2465 the election of board members. General proxies may be used for  
2466 other matters for which limited proxies are not required, and  
2467 may also be used in voting for nonsubstantive changes to items  
2468 for which a limited proxy is required and given. Notwithstanding  
2469 the provisions of this section, unit owners may vote in person  
2470 at unit owner meetings. Nothing contained herein shall limit the  
2471 use of general proxies or require the use of limited proxies or  
2472 require the use of limited proxies for any agenda item or  
2473 election at any meeting of a timeshare cooperative.

2474       3. Any proxy given shall be effective only for the  
2475 specific meeting for which originally given and any lawfully

2476 adjourned meetings thereof. In no event shall any proxy be valid  
2477 for a period longer than 90 days after the date of the first  
2478 meeting for which it was given. Every proxy shall be revocable  
2479 at any time at the pleasure of the unit owner executing it.

2480 4. A member of the board of administration or a committee  
2481 may submit in writing his or her agreement or disagreement with  
2482 any action taken at a meeting that the member did not attend.  
2483 This agreement or disagreement may not be used as a vote for or  
2484 against the action taken and may not be used for the purposes of  
2485 creating a quorum.

2486 5. A board or committee member participating in a meeting  
2487 via telephone, real-time video conferencing, or similar real-  
2488 time electronic or video communication counts toward a quorum,  
2489 and such member may vote as if physically present ~~When some or~~  
2490 ~~all of the board or committee members meet by telephone~~  
2491 ~~conference, those board or committee members attending by~~  
2492 ~~telephone conference may be counted toward obtaining a quorum~~  
2493 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
2494 used ~~utilized~~ so that the conversation of such ~~these board or~~  
2495 ~~committee members attending by telephone~~ may be heard by the  
2496 board or committee members attending in person, as well as by  
2497 any unit owners present at a meeting.

2498 (f) Recall of board members.—Subject to s. 719.301, any  
2499 member of the board of administration may be recalled and  
2500 removed from office with or without cause by the vote or

2501 agreement in writing by a majority of all the voting interests.  
2502 A special meeting of the voting interests to recall any member  
2503 of the board of administration may be called by 10 percent of  
2504 the unit owners giving notice of the meeting as required for a  
2505 meeting of unit owners, and the notice shall state the purpose  
2506 of the meeting. Electronic transmission may not be used as a  
2507 method of giving notice of a meeting called in whole or in part  
2508 for this purpose.

2509         1. If the recall is approved by a majority of all voting  
2510 interests by a vote at a meeting, the recall shall be effective  
2511 as provided in this paragraph. The board shall duly notice and  
2512 hold a board meeting within 5 full business days after the  
2513 adjournment of the unit owner meeting to recall one or more  
2514 board members. At the meeting, the board shall either certify  
2515 the recall, in which case such member or members shall be  
2516 recalled effective immediately and shall turn over to the board  
2517 within 5 full business days any and all records and property of  
2518 the association in their possession, or shall proceed as set  
2519 forth in subparagraph 3.

2520         2. If the proposed recall is by an agreement in writing by  
2521 a majority of all voting interests, the agreement in writing or  
2522 a copy thereof shall be served on the association by certified  
2523 mail or by personal service in the manner authorized by chapter  
2524 48 and the Florida Rules of Civil Procedure. The board of  
2525 administration shall duly notice and hold a meeting of the board

2526 within 5 full business days after receipt of the agreement in  
2527 writing. At the meeting, the board shall either certify the  
2528 written agreement to recall members of the board, in which case  
2529 such members shall be recalled effective immediately and shall  
2530 turn over to the board, within 5 full business days, any and all  
2531 records and property of the association in their possession, or  
2532 proceed as described in subparagraph 3.

2533 3. If the board determines not to certify the written  
2534 agreement to recall members of the board, or does not certify  
2535 the recall by a vote at a meeting, the board shall, within 5  
2536 full business days after the board meeting, file with the  
2537 division a petition for binding arbitration under ~~pursuant to~~  
2538 ~~the procedures of~~ s. 719.1255 or file an action with a court of  
2539 competent jurisdiction. For purposes of this paragraph, the unit  
2540 owners who voted at the meeting or who executed the agreement in  
2541 writing shall constitute one party under the petition for  
2542 arbitration or in a court action. If the arbitrator or court  
2543 certifies the recall as to any member of the board, the recall  
2544 ~~is shall be~~ effective upon the mailing of the final order of  
2545 arbitration to the association or the final order of the court.  
2546 If the association fails to comply with the order of the court  
2547 or the arbitrator, the division may take action under ~~pursuant~~  
2548 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board  
2549 any and all records and property of the association in the  
2550 member's possession within 5 full business days after the

2551 effective date of the recall.

2552 4. If the board fails to duly notice and hold a board  
2553 meeting within 5 full business days after service of an  
2554 agreement in writing or within 5 full business days after the  
2555 adjournment of the unit owner recall meeting, the recall is  
2556 ~~shall be~~ deemed effective and the board members so recalled  
2557 shall immediately turn over to the board any and all records and  
2558 property of the association.

2559 5. If the board fails to duly notice and hold the required  
2560 meeting or fails to file the required petition or action, the  
2561 unit owner representative may file a petition under ~~pursuant to~~  
2562 s. 719.1255 or file an action in a court of competent  
2563 jurisdiction challenging the board's failure to act. The  
2564 petition or action must be filed within 60 days after the  
2565 expiration of the applicable 5-full-business-day period. The  
2566 review of a petition or action under this subparagraph is  
2567 limited to the sufficiency of service on the board and the  
2568 facial validity of the written agreement or ballots filed.

2569 6. If a vacancy occurs on the board as a result of a  
2570 recall and less than a majority of the board members are  
2571 removed, the vacancy may be filled by the affirmative vote of a  
2572 majority of the remaining directors, notwithstanding any  
2573 provision to the contrary contained in this chapter. If  
2574 vacancies occur on the board as a result of a recall and a  
2575 majority or more of the board members are removed, the vacancies

2576 shall be filled in accordance with procedural rules to be  
2577 adopted by the division, which rules need not be consistent with  
2578 this chapter. The rules must provide procedures governing the  
2579 conduct of the recall election as well as the operation of the  
2580 association during the period after a recall but before the  
2581 recall election.

2582 7. A board member who has been recalled may file a  
2583 petition under ~~pursuant to~~ s. 719.1255 or file an action in a  
2584 court of competent jurisdiction challenging the validity of the  
2585 recall. The petition or action must be filed within 60 days  
2586 after the recall is deemed certified. The association and the  
2587 unit owner representative shall be named as the respondents.

2588 8. The division or court may not accept for filing a  
2589 recall petition or action, whether filed under ~~pursuant to~~  
2590 subparagraph 1., subparagraph 2., subparagraph 5., or  
2591 subparagraph 7. and regardless of whether the recall was  
2592 certified, when there are 60 or fewer days until the scheduled  
2593 reelection of the board member sought to be recalled or when 60  
2594 or fewer days have not elapsed since the election of the board  
2595 member sought to be recalled.

2596 (1) Alternative dispute resolution ~~Arbitration~~.—There  
2597 shall be a provision for mandatory nonbinding alternative  
2598 dispute resolution ~~arbitration~~ of internal disputes arising from  
2599 the operation of the cooperative in accordance with s. 719.1255.

2600 (3) GENERALLY.—The association may extinguish a



2601 discriminatory restriction as provided under s. 712.065.

2602 Section 30. Paragraph (1) of subsection (4) of section  
 2603 720.303, Florida Statutes, is redesignated as paragraph (m),  
 2604 paragraph (c) of subsection (2), present paragraph (1) of  
 2605 subsection (4), paragraphs (c) and (d) of subsection (6), and  
 2606 paragraphs (b), (d), (g), (k), and (l) of subsection (10) are  
 2607 amended, and a new paragraph (1) is added to subsection (4) of  
 2608 that section, to read:

2609 720.303 Association powers and duties; meetings of board;  
 2610 official records; budgets; financial reporting; association  
 2611 funds; recalls.—

2612 (2) BOARD MEETINGS.—

2613 (c) The bylaws shall provide the following for giving  
 2614 notice to parcel owners and members of all board meetings and,  
 2615 if they do not do so, shall be deemed to include the following:

2616 1. Notices of all board meetings must be posted in a  
 2617 conspicuous place in the community at least 48 hours in advance  
 2618 of a meeting, except in an emergency. In the alternative, if  
 2619 notice is not posted in a conspicuous place in the community,  
 2620 notice of each board meeting must be mailed or delivered to each  
 2621 member at least 7 days before the meeting, except in an  
 2622 emergency. Notwithstanding this general notice requirement, for  
 2623 communities with more than 100 members, the association bylaws  
 2624 may provide for a reasonable alternative to posting or mailing  
 2625 of notice for each board meeting, including publication of

2626 notice, provision of a schedule of board meetings, or the  
2627 conspicuous posting and repeated broadcasting of the notice on a  
2628 closed-circuit cable television system serving the homeowners'  
2629 association. However, if broadcast notice is used in lieu of a  
2630 notice posted physically in the community, the notice must be  
2631 broadcast at least four times every broadcast hour of each day  
2632 that a posted notice is otherwise required. When broadcast  
2633 notice is provided, the notice and agenda must be broadcast in a  
2634 manner and for a sufficient continuous length of time so as to  
2635 allow an average reader to observe the notice and read and  
2636 comprehend the entire content of the notice and the agenda. In  
2637 addition to any of the authorized means of providing notice of a  
2638 meeting of the board, the association may, by rule, adopt a  
2639 procedure for conspicuously posting the meeting notice and the  
2640 agenda on the association's website or an application that can  
2641 be downloaded on a mobile device for at least the minimum period  
2642 of time for which a notice of a meeting is also required to be  
2643 physically posted on the association property. Any rule adopted  
2644 shall, in addition to other matters, include a requirement that  
2645 the association send an electronic notice in the same manner as  
2646 is required for a notice of a meeting of the members, which must  
2647 include a hyperlink to the website or such mobile application at  
2648 which the notice is posted, to members whose e-mail addresses  
2649 are included in the association's official records. The  
2650 association may provide notice by electronic transmission in a

2651 manner authorized by law for meetings of the board of directors,  
2652 committee meetings requiring notice under this section, and  
2653 annual and special meetings of the members to any member who has  
2654 provided a facsimile number or e-mail address to the association  
2655 to be used for such purposes; however, a member must consent in  
2656 writing to receiving notice by electronic transmission.

2657         2. An assessment may not be levied at a board meeting  
2658 unless the notice of the meeting includes a statement that  
2659 assessments will be considered and the nature of the  
2660 assessments. Written notice of any meeting at which special  
2661 assessments will be considered or at which amendments to rules  
2662 regarding parcel use will be considered must be mailed,  
2663 delivered, or electronically transmitted to the members and  
2664 parcel owners and posted conspicuously on the property or  
2665 broadcast on closed-circuit cable television not less than 14  
2666 days before the meeting.

2667         3. Directors may not vote by proxy or by secret ballot at  
2668 board meetings, except that secret ballots may be used in the  
2669 election of officers. This subsection also applies to the  
2670 meetings of any committee or other similar body, when a final  
2671 decision will be made regarding the expenditure of association  
2672 funds, and to any body vested with the power to approve or  
2673 disapprove architectural decisions with respect to a specific  
2674 parcel of residential property owned by a member of the  
2675 community.

2676 (4) OFFICIAL RECORDS.—The association shall maintain each  
 2677 of the following items, when applicable, which constitute the  
 2678 official records of the association:

2679 (1) Ballots, sign-in sheets, voting proxies, and all other  
 2680 papers and electronic records relating to voting by parcel  
 2681 owners, which must be maintained for at least 1 year after the  
 2682 date of the election, vote, or meeting.

2683 (m)-(l) All other written records of the association not  
 2684 specifically included in this subsection ~~the foregoing~~ which are  
 2685 related to the operation of the association.

2686 (6) BUDGETS.—

2687 (c)1. If the budget of the association does not provide  
 2688 for reserve accounts under ~~pursuant to~~ paragraph (d), or the  
 2689 declaration of covenants, articles, or bylaws do not obligate  
 2690 the developer to create reserves, and the association is  
 2691 responsible for the repair and maintenance of capital  
 2692 improvements that may result in a special assessment if reserves  
 2693 are not provided or not fully funded, then each financial report  
 2694 for the preceding fiscal year required by subsection (7) must  
 2695 contain the following statement in conspicuous type:

2696  
 2697 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED  
 2698 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED  
 2699 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING  
 2700 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED

2701 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA  
2702 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL  
2703 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A  
2704 MEETING OR BY WRITTEN CONSENT.

2705         2. If the budget of the association does provide for  
2706 funding accounts for deferred expenditures, including, but not  
2707 limited to, funds for capital expenditures and deferred  
2708 maintenance, but such accounts are not created or established  
2709 under ~~pursuant to~~ paragraph (d), each financial report for the  
2710 preceding fiscal year required under subsection (7) must also  
2711 contain the following statement in conspicuous type:  
2712 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY  
2713 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES  
2714 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED  
2715 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED  
2716 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION  
2717 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE  
2718 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR  
2719 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

2720         (d) An association is deemed to have provided for reserve  
2721 accounts ~~if reserve accounts have been initially established by~~  
2722 ~~the developer or if the membership of the association~~  
2723 ~~affirmatively elects to provide for reserves. If reserve~~  
2724 ~~accounts are established by the developer, the budget must~~  
2725 ~~designate the components for which the reserve accounts may be~~

2726 ~~used. If reserve accounts are not initially provided by the~~  
2727 ~~developer, the membership of the association may elect to do so~~  
2728 upon the affirmative approval of a majority of the total voting  
2729 interests of the association. Such approval may be obtained by  
2730 vote of the members at a duly called meeting of the membership  
2731 or by the written consent of a majority of the total voting  
2732 interests of the association. The approval action of the  
2733 membership must state that reserve accounts shall be provided  
2734 for in the budget and must designate the components for which  
2735 the reserve accounts are to be established. Upon approval by the  
2736 membership, the board of directors shall include the required  
2737 reserve accounts in the budget in the next fiscal year following  
2738 the approval and each year thereafter. Once established as  
2739 provided in this subsection, the reserve accounts must be funded  
2740 or maintained or have their funding waived in the manner  
2741 provided in paragraph (f).

2742 (10) RECALL OF DIRECTORS.—

2743 (b)1. Board directors may be recalled by an agreement in  
2744 writing or by written ballot without a membership meeting. The  
2745 agreement in writing or the written ballots, or a copy thereof,  
2746 shall be served on the association by certified mail or by  
2747 personal service in the manner authorized by chapter 48 and the  
2748 Florida Rules of Civil Procedure.

2749 2. The board shall duly notice and hold a meeting of the  
2750 board within 5 full business days after receipt of the agreement

2751 in writing or written ballots. At the meeting, the board shall  
2752 either certify the written ballots or written agreement to  
2753 recall a director or directors of the board, in which case such  
2754 director or directors shall be recalled effective immediately  
2755 and shall turn over to the board within 5 full business days any  
2756 and all records and property of the association in their  
2757 possession, or proceed as described in paragraph (d).

2758 3. When it is determined by the department pursuant to  
2759 binding arbitration proceedings or the court in an action filed  
2760 in a court of competent jurisdiction that an initial recall  
2761 effort was defective, written recall agreements or written  
2762 ballots used in the first recall effort and not found to be  
2763 defective may be reused in one subsequent recall effort.  
2764 However, in no event is a written agreement or written ballot  
2765 valid for more than 120 days after it has been signed by the  
2766 member.

2767 4. Any rescission or revocation of a member's written  
2768 recall ballot or agreement must be in writing and, in order to  
2769 be effective, must be delivered to the association before the  
2770 association is served with the written recall agreements or  
2771 ballots.

2772 5. The agreement in writing or ballot shall list at least  
2773 as many possible replacement directors as there are directors  
2774 subject to the recall, when at least a majority of the board is  
2775 sought to be recalled; the person executing the recall

2776 instrument may vote for as many replacement candidates as there  
2777 are directors subject to the recall.

2778 (d) If the board determines not to certify the written  
2779 agreement or written ballots to recall a director or directors  
2780 of the board or does not certify the recall by a vote at a  
2781 meeting, the board shall, within 5 full business days after the  
2782 meeting, file an action with a court of competent jurisdiction  
2783 or file with the department a petition for binding arbitration  
2784 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)  
2785 and 718.1255 and the rules adopted thereunder. For the purposes  
2786 of this section, the members who voted at the meeting or who  
2787 executed the agreement in writing shall constitute one party  
2788 under the petition for arbitration or in a court action. If the  
2789 arbitrator or court certifies the recall as to any director or  
2790 directors of the board, the recall will be effective upon the  
2791 final order of the court or the mailing of the final order of  
2792 arbitration to the association. The director or directors so  
2793 recalled shall deliver to the board any and all records of the  
2794 association in their possession within 5 full business days  
2795 after the effective date of the recall.

2796 (g) If the board fails to duly notice and hold the  
2797 required meeting or fails to file the required petition or  
2798 action, the parcel unit owner representative may file a petition  
2799 or a court action under ~~pursuant to~~ s. 718.1255 challenging the  
2800 board's failure to act. The petition or action must be filed



2801 within 60 days after the expiration of the applicable 5-full-  
2802 business-day period. The review of a petition or action under  
2803 this paragraph is limited to the sufficiency of service on the  
2804 board and the facial validity of the written agreement or  
2805 ballots filed.

2806 (k) A board member who has been recalled may file an  
2807 action with a court of competent jurisdiction or a petition  
2808 under ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules  
2809 adopted challenging the validity of the recall. The petition or  
2810 action must be filed within 60 days after the recall is deemed  
2811 certified. The association and the parcel ~~unit~~ owner  
2812 representative shall be named as respondents.

2813 (l) The division or a court of competent jurisdiction may  
2814 not accept for filing a recall petition or action, whether filed  
2815 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),  
2816 or paragraph (k) and regardless of whether the recall was  
2817 certified, when there are 60 or fewer days until the scheduled  
2818 reelection of the board member sought to be recalled or when 60  
2819 or fewer days have not elapsed since the election of the board  
2820 member sought to be recalled.

2821 Section 31. Subsections (1) and (2) of section 720.305,  
2822 Florida Statutes, are amended to read:

2823 720.305 Obligations of members; remedies at law or in  
2824 equity; levy of fines and suspension of use rights.—

2825 (1) Each member and the member's tenants, guests, and

2826 invitees, and each association, are governed by, and must comply  
2827 with, this chapter and, the governing documents of the  
2828 community, ~~and the rules of the association~~. Actions at law or  
2829 in equity, or both, to redress alleged failure or refusal to  
2830 comply with these provisions may be brought by the association  
2831 or by any member against:

2832 (a) The association;

2833 (b) A member;

2834 (c) Any director or officer of an association who  
2835 willfully and knowingly fails to comply with these provisions;  
2836 and

2837 (d) Any tenants, guests, or invitees occupying a parcel or  
2838 using the common areas.

2839

2840 The prevailing party in any such litigation is entitled to  
2841 recover reasonable attorney fees and costs. A member prevailing  
2842 in an action between the association and the member under this  
2843 section, in addition to recovering his or her reasonable  
2844 attorney fees, may recover additional amounts as determined by  
2845 the court to be necessary to reimburse the member for his or her  
2846 share of assessments levied by the association to fund its  
2847 expenses of the litigation. This relief does not exclude other  
2848 remedies provided by law. This section does not deprive any  
2849 person of any other available right or remedy.

2850 (2) An ~~The~~ association may levy reasonable fines. A fine

2851 may not exceed \$100 per violation against any member or any  
2852 member's tenant, guest, or invitee for the failure of the owner  
2853 of the parcel or its occupant, licensee, or invitee to comply  
2854 with any provision of the declaration, the association bylaws,  
2855 or reasonable rules of the association unless otherwise provided  
2856 in the governing documents. A fine may be levied by the board  
2857 for each day of a continuing violation, with a single notice and  
2858 opportunity for hearing, except that the fine may not exceed  
2859 \$1,000 in the aggregate unless otherwise provided in the  
2860 governing documents. A fine of less than \$1,000 may not become a  
2861 lien against a parcel. In any action to recover a fine, the  
2862 prevailing party is entitled to reasonable attorney fees and  
2863 costs from the nonprevailing party as determined by the court.

2864 (a) An association may suspend, for a reasonable period of  
2865 time, the right of a member, or a member's tenant, guest, or  
2866 invitee, to use common areas and facilities for the failure of  
2867 the owner of the parcel or its occupant, licensee, or invitee to  
2868 comply with any provision of the declaration, the association  
2869 bylaws, or reasonable rules of the association. This paragraph  
2870 does not apply to that portion of common areas used to provide  
2871 access or utility services to the parcel. A suspension may not  
2872 prohibit an owner or tenant of a parcel from having vehicular  
2873 and pedestrian ingress to and egress from the parcel, including,  
2874 but not limited to, the right to park.

2875 (b) A fine or suspension levied by the board of

2876 administration may not be imposed unless the board first  
2877 provides at least 14 days' notice to the parcel owner and, if  
2878 applicable, any occupant, licensee, or invitee of the parcel  
2879 owner, sought to be fined or suspended and an opportunity for a  
2880 hearing before a committee of at least three members appointed  
2881 by the board who are not officers, directors, or employees of  
2882 the association, or the spouse, parent, child, brother, or  
2883 sister of an officer, director, or employee. If the committee,  
2884 by majority vote, does not approve a proposed fine or  
2885 suspension, the proposed fine or suspension may not be imposed.  
2886 The role of the committee is limited to determining whether to  
2887 confirm or reject the fine or suspension levied by the board. If  
2888 the proposed fine or suspension levied by the board is approved  
2889 by the committee, the fine payment is due 5 days after notice of  
2890 the approved fine is provided to the parcel owner and, if  
2891 applicable, to any occupant, licensee, or invitee of the parcel  
2892 owner ~~the date of the committee meeting at which the fine is~~  
2893 ~~approved~~. The association must provide written notice of such  
2894 fine or suspension by mail or hand delivery to the parcel owner  
2895 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
2896 of the parcel owner.

2897 Section 32. Paragraph (g) of subsection (1) and paragraph  
2898 (c) of subsection (9) of section 720.306, Florida Statutes, are  
2899 amended, and paragraph (h) is added to subsection (1) of that  
2900 section, to read:

2901 720.306 Meetings of members; voting and election  
 2902 procedures; amendments.—

2903 (1) QUORUM; AMENDMENTS.—

2904 (g) A notice required under this section must be mailed or  
 2905 delivered to the address identified as the parcel owner's  
 2906 mailing address in the official records of the association as  
 2907 required under s. 720.303(4) on the property appraiser's website  
 2908 for the county in which the parcel is located, or electronically  
 2909 transmitted in a manner authorized by the association if the  
 2910 parcel owner has consented, in writing, to receive notice by  
 2911 electronic transmission.

2912 (h)1. Except as otherwise provided in this paragraph, an  
 2913 amendment to any governing document that is enacted after July  
 2914 1, 2020, that prohibits a parcel owner from renting the parcel,  
 2915 alters the authorized duration of a rental term, or specifies or  
 2916 limits the number of times that a parcel owner may rent his or  
 2917 her parcel during a specified term, applies only to a parcel  
 2918 owner who acquires title to the parcel after the effective date  
 2919 of the amendment, or to a parcel owner who consents,  
 2920 individually or through a representative, to the amendment.

2921 2. Notwithstanding subparagraph 1., an association may  
 2922 amend its governing documents to prohibit or regulate rentals  
 2923 for a term of less than 6 months and to prohibit rentals more  
 2924 than three times in a calendar year, and such amendments shall  
 2925 apply to all parcel owners.

2926 3. This paragraph does not affect the amendment  
2927 restrictions for associations of 15 or fewer parcel owners under  
2928 s. 720.303(1).

2929 4. For purposes of this paragraph, a change of ownership  
2930 does not occur when a parcel owner conveys the parcel to an  
2931 affiliated entity or when beneficial ownership of the parcel  
2932 does not change. For purposes of this subparagraph, the term  
2933 "affiliated entity" means an entity that controls, is controlled  
2934 by, or is under common control with the parcel owner or that  
2935 becomes a parent or successor entity by reason of transfer,  
2936 merger, consolidation, public offering, reorganization,  
2937 dissolution or sale of stock, or transfer of membership  
2938 partnership interests. For a conveyance to be recognized as one  
2939 made to an affiliated entity, the entity must furnish the  
2940 association a document certifying that this paragraph applies,  
2941 as well as providing any organizational documents for the parcel  
2942 owner and the affiliated entity that support the representations  
2943 in the certificate, as requested by the association.

2944 (9) ELECTIONS AND BOARD VACANCIES.—

2945 (c) Any election dispute between a member and an  
2946 association must be submitted to ~~mandatory~~ binding arbitration  
2947 with the division or filed with a court of competent  
2948 jurisdiction. Such proceedings that are submitted to binding  
2949 arbitration with the division must be conducted in the manner  
2950 provided by s. 718.1255 and the procedural rules adopted by the

2951 division. Unless otherwise provided in the bylaws, any vacancy  
 2952 occurring on the board before the expiration of a term may be  
 2953 filled by an affirmative vote of the majority of the remaining  
 2954 directors, even if the remaining directors constitute less than  
 2955 a quorum, or by the sole remaining director. In the alternative,  
 2956 a board may hold an election to fill the vacancy, in which case  
 2957 the election procedures must conform to the requirements of the  
 2958 governing documents. Unless otherwise provided in the bylaws, a  
 2959 board member appointed or elected under this section is  
 2960 appointed for the unexpired term of the seat being filled.  
 2961 Filling vacancies created by recall is governed by s.  
 2962 720.303(10) and rules adopted by the division.

2963 Section 33. Subsection (1) of section 720.311, Florida  
 2964 Statutes, is amended to read:

2965 720.311 Dispute resolution.—

2966 (1) The Legislature finds that alternative dispute  
 2967 resolution has made progress in reducing court dockets and  
 2968 trials and in offering a more efficient, cost-effective option  
 2969 to litigation. The filing of any petition for arbitration or the  
 2970 serving of a demand for presuit mediation as provided for in  
 2971 this section shall toll the applicable statute of limitations.  
 2972 Any recall dispute filed with the department under ~~pursuant to~~  
 2973 s. 720.303(10) shall be conducted by the department in  
 2974 accordance with the provisions of ss. 718.112(2)(j) and 718.1255  
 2975 and the rules adopted by the division. In addition, the

2976 department shall conduct ~~mandatory~~ binding arbitration of  
 2977 election disputes between a member and an association in  
 2978 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the  
 2979 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are  
 2980 not eligible for presuit mediation; these disputes must ~~shall~~ be  
 2981 arbitrated by the department or filed in a court of competent  
 2982 jurisdiction. At the conclusion of an arbitration ~~the~~  
 2983 proceeding, the department shall charge the parties a fee in an  
 2984 amount adequate to cover all costs and expenses incurred by the  
 2985 department in conducting the proceeding. Initially, the  
 2986 petitioner shall remit a filing fee of at least \$200 to the  
 2987 department. The fees paid to the department shall become a  
 2988 recoverable cost in the arbitration proceeding, and the  
 2989 prevailing party in an arbitration proceeding shall recover its  
 2990 reasonable costs and attorney ~~attorney's~~ fees in an amount found  
 2991 reasonable by the arbitrator. The department shall adopt rules  
 2992 to effectuate the purposes of this section.

2993 Section 34. Subsection (6) is added to section 720.3075,  
 2994 Florida Statutes, to read:

2995 720.3075 Prohibited clauses in association documents.—

2996 (6) The association may extinguish a discriminatory  
 2997 restriction, as provided in 712.065.

2998 Section 35. Paragraph (a) of subsection (7) of section  
 2999 721.15, Florida Statutes, is amended to read:

3000 721.15 Assessments for common expenses.—



3001 (7) (a) A purchaser, regardless of how her or his timeshare  
3002 estate or timeshare license has been acquired, including a  
3003 purchaser at a judicial sale, is personally liable for all  
3004 assessments for common expenses which come due while the  
3005 purchaser is the owner of such interest. A successor in interest  
3006 is jointly and severally liable with her or his predecessor in  
3007 interest for all unpaid assessments against such predecessor up  
3008 to the time of transfer of the timeshare interest to such  
3009 successor without prejudice to any right a successor in interest  
3010 may have to recover from her or his predecessor in interest any  
3011 amounts assessed against such predecessor and paid by such  
3012 successor. A successor in interest who pays the unpaid  
3013 assessments attributable to her or his predecessor in interest  
3014 is a subordinate lienholder for purposes of satisfying the  
3015 requirements of s. 45.032(3)(b). The predecessor in interest or  
3016 his or her agent, or a person providing resale transfer services  
3017 for the predecessor in interest pursuant to s. 721.17(3) or his  
3018 or her agent, shall deliver to the managing entity a copy of the  
3019 recorded deed of conveyance if the interest is a timeshare  
3020 estate or a copy of the instrument of transfer if the interest  
3021 is a timeshare license, with the name and mailing address of the  
3022 successor in interest within 15 days after the date of transfer,  
3023 and after such delivery the successor in interest shall be  
3024 listed by the managing entity as the owner of the timeshare  
3025 interest on the books and records of the timeshare plan. The

3026 managing entity shall not be liable to any person for any  
3027 inaccuracy in the books and records of the timeshare plan  
3028 arising from the failure of the predecessor in interest to  
3029 timely and correctly notify the managing entity of the name and  
3030 mailing address of the successor in interest.

3031 Section 36. Subsection (1) of section 455.219, Florida  
3032 Statutes, is amended to read:

3033 455.219 Fees; receipts; disposition; periodic management  
3034 reports.—

3035 (1) Each board within the department shall determine by  
3036 rule the amount of license fees for its profession, based upon  
3037 department-prepared long-range estimates of the revenue required  
3038 to implement all provisions of law relating to the regulation of  
3039 professions by the department and any board; however, when the  
3040 department has determined, based on the long-range estimates of  
3041 such revenue, that a profession's trust fund moneys are in  
3042 excess of the amount required to cover the necessary functions  
3043 of the board, or the department when there is no board, the  
3044 department may adopt rules to implement a waiver of license  
3045 renewal fees for that profession for a period not to exceed 2  
3046 years, as determined by the department. Each board, or the  
3047 department when there is no board, shall ensure license fees are  
3048 adequate to cover all anticipated costs and to maintain a  
3049 reasonable cash balance, as determined by rule of the  
3050 department, with advice of the applicable board. If sufficient

3051 action is not taken by a board within 1 year of notification by  
3052 the department that license fees are projected to be inadequate,  
3053 the department shall set license fees on behalf of the  
3054 applicable board to cover anticipated costs and to maintain the  
3055 required cash balance. The department shall include recommended  
3056 fee cap increases in its annual report to the Legislature.  
3057 Further, it is legislative intent that no regulated profession  
3058 operate with a negative cash balance. The department may provide  
3059 by rule for the advancement of sufficient funds to any  
3060 profession or the Florida Athletic State~~Boxing~~ Commission  
3061 operating with a negative cash balance. Such advancement may be  
3062 for a period not to exceed 2 consecutive years and shall require  
3063 interest to be paid by the regulated profession. Interest shall  
3064 be calculated at the current rate earned on Professional  
3065 Regulation Trust Fund investments. Interest earned shall be  
3066 allocated to the various funds in accordance with the allocation  
3067 of investment earnings during the period of the advance.

3068 Section 37. Subsection (4) of section 548.002, Florida  
3069 Statutes, is amended to read:

3070 548.002 Definitions.—As used in this chapter, the term:

3071 (4) "Commission" means the Florida Athletic State~~Boxing~~  
3072 Commission.

3073 Section 38. Subsections (3) and (4) of section 548.05,  
3074 Florida Statutes, are amended to read:

3075 548.05 Control of contracts.—

3076 (3) The commission may require that each contract contain  
3077 language authorizing the ~~Florida State Boxing~~ commission to  
3078 withhold any or all of any manager's share of a purse in the  
3079 event of a contractual dispute as to entitlement to any portion  
3080 of a purse. The commission may establish rules governing the  
3081 manner of resolution of such dispute. In addition, if the  
3082 commission deems it appropriate, the commission is hereby  
3083 authorized to implead interested parties over any disputed funds  
3084 into the appropriate circuit court for resolution of the dispute  
3085 prior to release of all or any part of the funds.

3086 (4) Each contract subject to this section shall contain  
3087 the following clause: "This agreement is subject to the  
3088 provisions of chapter 548, Florida Statutes, and to the rules of  
3089 the Florida Athletic ~~State Boxing~~ Commission and to any future  
3090 amendments of either."

3091 Section 39. Subsection (12) of section 548.071, Florida  
3092 Statutes, is amended to read:

3093 548.071 Suspension or revocation of license or permit by  
3094 commission.—The commission may suspend or revoke a license or  
3095 permit if the commission finds that the licensee or permittee:

3096 (12) Has been disciplined by the ~~Florida State Boxing~~  
3097 commission or similar agency or body of any jurisdiction.

3098 Section 40. Section 548.077, Florida Statutes, is amended  
3099 to read:

3100 548.077 Florida Athletic ~~State Boxing~~ Commission;

3101 collection and disposition of moneys.—All fees, fines,  
3102 forfeitures, and other moneys collected under the provisions of  
3103 this chapter shall be paid by the commission to the Chief  
3104 Financial Officer who, after the expenses of the commission are  
3105 paid, shall deposit them in the Professional Regulation Trust  
3106 Fund to be used for the administration and operation of the  
3107 commission and to enforce the laws and rules under its  
3108 jurisdiction. In the event the unexpended balance of such moneys  
3109 collected under the provisions of this chapter exceeds \$250,000,  
3110 any excess of that amount shall be deposited in the General  
3111 Revenue Fund.

3112 Section 41. This act shall take effect July 1, 2020.