

By Senator Baxley

12-00203B-21

2021630\_\_

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

12-00203B-21

2021630\_\_

30 fuel" and "natural gas fuel vehicle"; revising  
31 requirements for electric vehicle charging stations;  
32 providing requirements for natural gas fuel stations  
33 on property governed by condominium associations;  
34 amending s. 718.117, F.S.; conforming provisions to  
35 changes made by the act; amending s. 718.121, F.S.;  
36 providing that labor and materials associated with the  
37 installation of a natural gas fuel station may not  
38 serve as the basis for filing a lien against an  
39 association but may serve as the basis for filing a  
40 lien against a unit owner; requiring that notices of  
41 intent to record a claim of lien specify certain  
42 dates; amending s. 718.1255, F.S.; authorizing parties  
43 to initiate presuit mediation under certain  
44 circumstances; specifying the circumstances under  
45 which arbitration is binding on the parties; providing  
46 requirements for presuit mediation; making technical  
47 changes; amending s. 718.1265, F.S.; revising the  
48 emergency powers of condominium associations;  
49 prohibiting condominium associations from taking  
50 certain actions during a declared state of emergency;  
51 amending s. 718.202, F.S.; revising the allowable uses  
52 of certain escrow funds withdrawn by developers;  
53 defining the term "actual costs"; amending s. 718.303,  
54 F.S.; revising requirements for certain actions for  
55 failure to comply with specified provisions relating  
56 to condominium associations; revising requirements for  
57 certain fines; amending s. 718.405, F.S.; providing  
58 clarifying language relating to certain

12-00203B-21

2021630\_\_

59 multicondominium declarations; providing  
60 applicability; amending s. 718.501, F.S.; defining the  
61 term "financial issue"; authorizing the Division of  
62 Condominiums, Timeshares, and Mobile Homes to adopt  
63 rules; conforming provisions to changes made by the  
64 act; amending s. 718.5014, F.S.; revising a  
65 requirement regarding the location of the principal  
66 office of the Office of the Condominium Ombudsman;  
67 amending s. 719.103, F.S.; revising the definition of  
68 the term "unit" to specify that an interest in a  
69 cooperative unit is an interest in real property;  
70 amending s. 719.104, F.S.; prohibiting an association  
71 from requiring certain actions relating to the  
72 inspection of records; amending s. 719.106, F.S.;  
73 revising provisions relating to a quorum and voting  
74 rights for members remotely participating in meetings;  
75 revising the procedure to challenge a board member  
76 recall; authorizing cooperative associations to  
77 extinguish discriminatory restrictions; amending s.  
78 719.128, F.S.; revising emergency powers for  
79 cooperative associations; prohibiting cooperative  
80 associations from taking certain actions during a  
81 declared state of emergency; amending s. 720.301,  
82 F.S.; revising the definition of the term "governing  
83 documents"; amending s. 720.303, F.S.; authorizing an  
84 association to adopt procedures for electronic meeting  
85 notices; revising the documents that constitute the  
86 official records of an association; revising the  
87 circumstances under which a specified statement must

12-00203B-21

2021630\_\_

88 be included in an association's financial report;  
89 revising requirements for such statement; revising the  
90 circumstances under which an association is deemed to  
91 have provided for reserve accounts; revising the  
92 procedure to challenge a board member recall; amending  
93 s. 720.305, F.S.; providing requirements for certain  
94 fines levied by a board of administration; amending s.  
95 720.306, F.S.; revising requirements for providing  
96 certain notices; providing limitations on associations  
97 when a parcel owner attempts to rent or lease his or  
98 her parcel; defining the term "affiliated entity";  
99 amending the procedure for election disputes; amending  
100 s. 720.311, F.S.; revising the dispute resolution  
101 requirements for election disputes and recall  
102 disputes; amending s. 720.3075, F.S.; authorizing  
103 homeowners' associations to extinguish discriminatory  
104 restrictions; amending s. 720.316, F.S.; revising  
105 emergency powers of homeowners' associations;  
106 prohibiting homeowners' associations from taking  
107 certain actions during a declared state of emergency;  
108 providing an effective date.

109  
110 Be It Enacted by the Legislature of the State of Florida:

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

114 627.714 Residential condominium unit owner coverage; loss  
115 assessment coverage required.—

116 (4) Every individual unit owner's residential property

12-00203B-21

2021630\_\_

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

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

127 718.103 Definitions.—As used in this chapter, the term:

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

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

134 Section 3. Paragraph (a) of subsection (1) and paragraphs  
135 (a), (b), (c), (f), and (g) of subsection (12) of section  
136 718.111, Florida Statutes, are amended to read:

137 718.111 The association.—

138 (1) CORPORATE ENTITY.—

139 (a) The operation of the condominium shall be by the  
140 association, which must be a Florida corporation for profit or a  
141 Florida corporation not for profit. However, any association  
142 which was in existence on January 1, 1977, need not be  
143 incorporated. The owners of units shall be shareholders or  
144 members of the association. The officers and directors of the  
145 association have a fiduciary relationship to the unit owners. It

12-00203B-21

2021630\_\_

146 is the intent of the Legislature that nothing in this paragraph  
147 shall be construed as providing for or removing a requirement of  
148 a fiduciary relationship between any manager employed by the  
149 association and the unit owners. An officer, director, or  
150 manager may not solicit, offer to accept, or accept any thing or  
151 service of value or kickback for which consideration has not  
152 been provided for his or her own benefit or that of his or her  
153 immediate family, from any person providing or proposing to  
154 provide goods or services to the association. Any such officer,  
155 director, or manager who knowingly so solicits, offers to  
156 accept, or accepts any thing or service of value or kickback is  
157 subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s.~~  
158 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided  
159 in paragraph (d). However, this paragraph does not prohibit an  
160 officer, director, or manager from accepting services or items  
161 received in connection with trade fairs or education programs.  
162 An association may operate more than one condominium.

163 (12) OFFICIAL RECORDS.—

164 (a) From the inception of the association, the association  
165 shall maintain each of the following items, if applicable, which  
166 constitutes the official records of the association:

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

169 2. A photocopy of the recorded declaration of condominium  
170 of each condominium operated by the association and each  
171 amendment to each declaration.

172 3. A photocopy of the recorded bylaws of the association  
173 and each amendment to the bylaws.

174 4. A certified copy of the articles of incorporation of the

12-00203B-21

2021630\_\_

175 association, or other documents creating the association, and  
176 each amendment thereto.

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

178 6. A book or books that contain the minutes of all meetings  
179 of the association, the board of administration, and the unit  
180 owners.

181 7. A current roster of all unit owners and their mailing  
182 addresses, unit identifications, voting certifications, and, if  
183 known, telephone numbers. The association shall also maintain  
184 the e-mail addresses and facsimile numbers of unit owners  
185 consenting to receive notice by electronic transmission. The e-  
186 mail addresses and facsimile numbers are not accessible to unit  
187 owners if consent to receive notice by electronic transmission  
188 is not provided in accordance with sub-subparagraph (c)3.e.  
189 However, the association is not liable for an inadvertent  
190 disclosure of the e-mail address or facsimile number for  
191 receiving electronic transmission of notices.

192 8. All current insurance policies of the association and  
193 condominiums operated by the association.

194 9. A current copy of any management agreement, lease, or  
195 other contract to which the association is a party or under  
196 which the association or the unit owners have an obligation or  
197 responsibility.

198 10. Bills of sale or transfer for all property owned by the  
199 association.

200 11. Accounting records for the association and separate  
201 accounting records for each condominium that the association  
202 operates. Any person who knowingly or intentionally defaces or  
203 destroys such records, or who knowingly or intentionally fails

12-00203B-21

2021630\_\_

204 to create or maintain such records, with the intent of causing  
205 harm to the association or one or more of its members, is  
206 personally subject to a civil penalty under s. 718.501(2)(d)  
207 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must  
208 include, but are not limited to:

209 a. Accurate, itemized, and detailed records of all receipts  
210 and expenditures.

211 b. A current account and a monthly, bimonthly, or quarterly  
212 statement of the account for each unit designating the name of  
213 the unit owner, the due date and amount of each assessment, the  
214 amount paid on the account, and the balance due.

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

217 d. All contracts for work to be performed. Bids for work to  
218 be performed are also considered official records and must be  
219 maintained by the association for at least 1 year after receipt  
220 of the bid.

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

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

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

230 ~~15. All other written records of the association not~~  
231 ~~specifically included in the foregoing which are related to the~~  
232 ~~operation of the association.~~



12-00203B-21

2021630\_\_

233 ~~16.~~ A copy of the inspection report as described in s.  
234 718.301(4) (p).

235 16.17. Bids for materials, equipment, or services.

236 17. All other written records of the association not  
237 specified in subparagraphs 1.-16. which are related to the  
238 operation of the association.

239 (b) The official records specified in subparagraphs (a)1.-  
240 6. must be permanently maintained from the inception of the  
241 association. Bids for work to be performed or for materials,  
242 equipment, or services must be maintained for at least 1 year  
243 after receipt of the bid. All other official records must be  
244 maintained within the state for at least 7 years, unless  
245 otherwise provided by general law. All official records must be  
246 maintained in a manner and format determined by rules of the  
247 division so that the records are easily accessible for  
248 inspection. The records of the association shall be made  
249 available to a unit owner within 45 miles of the condominium  
250 property or within the county in which the condominium property  
251 is located within 10 working days after receipt of a written  
252 request by the board or its designee. However, such distance  
253 requirement does not apply to an association governing a  
254 timeshare condominium. This paragraph may be complied with by  
255 having a copy of the official records of the association  
256 available for inspection or copying on the condominium property  
257 or association property, or the association may offer the option  
258 of making the records available to a unit owner electronically  
259 via the Internet or by allowing the records to be viewed in  
260 electronic format on a computer screen and printed upon request.  
261 The association is not responsible for the use or misuse of the

12-00203B-21

2021630\_\_

262 information provided to an association member or his or her  
263 authorized representative in pursuant to the compliance with  
264 ~~requirements of~~ this chapter unless the association has an  
265 affirmative duty not to disclose such information under pursuant  
266 ~~to~~ this chapter.

267 (c)1. The official records of the association are open to  
268 inspection by any association member or the authorized  
269 representative of such member at all reasonable times. The right  
270 to inspect the records includes the right to make or obtain  
271 copies, at the reasonable expense, if any, of the member or  
272 authorized representative of such member. A renter of a unit has  
273 a right to inspect and copy only the declaration of condominium  
274 and the association's bylaws and rules. The association must  
275 provide an itemized list to the member or the authorized  
276 representative of such member of all records that are made  
277 available for inspection and copying in response to a written  
278 request. Any of the association's official records that are  
279 unavailable must be identified as such on the itemized list. The  
280 accuracy of the itemized list must be certified by a manager  
281 licensed under part VIII of chapter 468, or a board member if  
282 there is no such manager, in a signed statement that, to the  
283 best of his or her knowledge and belief, the itemized list is  
284 accurate or by execution of a sworn affidavit by the association  
285 attesting to its accuracy. The association shall maintain a copy  
286 of the itemized list or the affidavit, as appropriate, for at  
287 least 7 years. Delivery of the itemized list or the affidavit,  
288 as appropriate, to the person requesting the records creates a  
289 rebuttable presumption that the association complied with this  
290 paragraph. The division may adopt by rule specific requirements

12-00203B-21

2021630\_\_

291 for the itemized list. The association may adopt reasonable  
292 rules regarding the frequency, time, location, notice, and  
293 manner of record inspections and copying, but may not require a  
294 member to demonstrate any purpose or state any reason for the  
295 inspection. The failure of an association to provide the records  
296 within 10 working days after receipt of a written request  
297 creates a rebuttable presumption that the association willfully  
298 failed to comply with this paragraph. A unit owner who is denied  
299 access to official records is entitled to the actual damages or  
300 minimum damages for the association's willful failure to comply.  
301 Minimum damages are \$50 per calendar day for up to 10 days,  
302 beginning on the 11th working day after receipt of the written  
303 request. The failure to permit inspection entitles any person  
304 prevailing in an enforcement action to recover reasonable  
305 attorney fees from the person in control of the records who,  
306 directly or indirectly, knowingly denied access to the records.

307 2. Any person who knowingly or intentionally defaces or  
308 destroys accounting records that are required by this chapter to  
309 be maintained during the period for which such records are  
310 required to be maintained, or who knowingly or intentionally  
311 fails to create or maintain accounting records that are required  
312 to be created or maintained, with the intent of causing harm to  
313 the association or one or more of its members, is personally  
314 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~  
315 ~~718.501(1)(d).~~

316 3. The association shall maintain an adequate number of  
317 copies of the declaration, articles of incorporation, bylaws,  
318 and rules, and all amendments to each of the foregoing, as well  
319 as the question and answer sheet as described in s. 718.504 and

12-00203B-21

2021630\_\_

320 year-end financial information required under this section, on  
321 the condominium property to ensure their availability to unit  
322 owners and prospective purchasers, and may charge its actual  
323 costs for preparing and furnishing these documents to those  
324 requesting the documents. An association shall allow a member or  
325 his or her authorized representative to use a portable device,  
326 including a smartphone, tablet, portable scanner, or any other  
327 technology capable of scanning or taking photographs, to make an  
328 electronic copy of the official records in lieu of the  
329 association's providing the member or his or her authorized  
330 representative with a copy of such records. The association may  
331 not charge a member or his or her authorized representative for  
332 the use of a portable device. Notwithstanding this paragraph,  
333 the following records are not accessible to unit owners:

334 a. Any record protected by the lawyer-client privilege as  
335 described in s. 90.502 and any record protected by the work-  
336 product privilege, including a record prepared by an association  
337 attorney or prepared at the attorney's express direction, which  
338 reflects a mental impression, conclusion, litigation strategy,  
339 or legal theory of the attorney or the association, and which  
340 was prepared exclusively for civil or criminal litigation or for  
341 adversarial administrative proceedings, or which was prepared in  
342 anticipation of such litigation or proceedings until the  
343 conclusion of the litigation or proceedings.

344 b. Information obtained by an association in connection  
345 with the approval of the lease, sale, or other transfer of a  
346 unit.

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

12-00203B-21

2021630\_\_

349 health, and insurance records. For purposes of this sub-  
350 subparagraph, the term "personnel records" does not include  
351 written employment agreements with an association employee or  
352 management company, or budgetary or financial records that  
353 indicate the compensation paid to an association employee.

354 d. Medical records of unit owners.

355 e. Social security numbers, driver license numbers, credit  
356 card numbers, e-mail addresses, telephone numbers, facsimile  
357 numbers, emergency contact information, addresses of a unit  
358 owner other than as provided to fulfill the association's notice  
359 requirements, and other personal identifying information of any  
360 person, excluding the person's name, unit designation, mailing  
361 address, property address, and any address, e-mail address, or  
362 facsimile number provided to the association to fulfill the  
363 association's notice requirements. Notwithstanding the  
364 restrictions in this sub-subparagraph, an association may print  
365 and distribute to unit parcel owners a directory containing the  
366 name, unit parcel address, and all telephone numbers of each  
367 unit parcel owner. However, an owner may exclude his or her  
368 telephone numbers from the directory by so requesting in writing  
369 to the association. An owner may consent in writing to the  
370 disclosure of other contact information described in this sub-  
371 subparagraph. The association is not liable for the inadvertent  
372 disclosure of information that is protected under this sub-  
373 subparagraph if the information is included in an official  
374 record of the association and is voluntarily provided by an  
375 owner and not requested by the association.

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

12-00203B-21

2021630\_\_

378 g. The software and operating system used by the  
379 association which allow the manipulation of data, even if the  
380 owner owns a copy of the same software used by the association.  
381 The data is part of the official records of the association.

382 (f) An outgoing board or committee member must relinquish  
383 all official records and property of the association in his or  
384 her possession or under his or her control to the incoming board  
385 within 5 days after the election. The division shall impose a  
386 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~  
387 ~~718.501(1)(d)6.~~ against an outgoing board or committee member  
388 who willfully and knowingly fails to relinquish such records and  
389 property.

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

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

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

399 (II) A website, application, or web portal operated by a  
400 third-party provider with whom the association owns, leases,  
401 rents, or otherwise obtains the right to operate a web page,  
402 subpage, web portal, ~~or~~ collection of subpages or web portals,  
403 or an application which is dedicated to the association's  
404 activities and on which required notices, records, and documents  
405 may be posted or made available by the association.

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

12-00203B-21

2021630\_\_

407 accessible through the Internet and must contain a subpage, web  
408 portal, or other protected electronic location that is  
409 inaccessible to the general public and accessible only to unit  
410 owners and employees of the association.

411 c. Upon a unit owner's written request, the association  
412 must provide the unit owner with a username and password and  
413 access to the protected sections of the association's website or  
414 application which ~~that~~ contain any notices, records, or  
415 documents that must be electronically provided.

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

418 a. The recorded declaration of condominium of each  
419 condominium operated by the association and each amendment to  
420 each declaration.

421 b. The recorded bylaws of the association and each  
422 amendment to the bylaws.

423 c. The articles of incorporation of the association, or  
424 other documents creating the association, and each amendment to  
425 the articles of incorporation or other documents ~~thereto~~. The  
426 copy posted pursuant to this sub-subparagraph must be a copy of  
427 the articles of incorporation filed with the Department of  
428 State.

429 d. The rules of the association.

430 e. A list of all executory contracts or documents to which  
431 the association is a party or under which the association or the  
432 unit owners have an obligation or responsibility and, after  
433 bidding for the related materials, equipment, or services has  
434 closed, a list of bids received by the association within the  
435 past year. Summaries of bids for materials, equipment, or

12-00203B-21

2021630\_\_

436 services which exceed \$500 must be maintained on the website or  
437 application for 1 year. In lieu of summaries, complete copies of  
438 the bids may be posted.

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

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

444 h. The certification of each director required by s.  
445 718.112(2)(d)4.b.

446 i. All contracts or transactions between the association  
447 and any director, officer, corporation, firm, or association  
448 that is not an affiliated condominium association or any other  
449 entity in which an association director is also a director or  
450 officer and financially interested.

451 j. Any contract or document regarding a conflict of  
452 interest or possible conflict of interest as provided in ss.  
453 468.436(2)(b)6. and 718.3027(3).

454 k. The notice of any unit owner meeting and the agenda for  
455 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
456 days before the meeting. The notice must be posted in plain view  
457 on the front page of the website or application, or on a  
458 separate subpage of the website or application labeled "Notices"  
459 which is conspicuously visible and linked from the front page.  
460 The association must also post on its website or application any  
461 document to be considered and voted on by the owners during the  
462 meeting or any document listed on the agenda at least 7 days  
463 before the meeting at which the document or the information  
464 within the document will be considered.



12-00203B-21

2021630\_\_

465 1. Notice of any board meeting, the agenda, and any other  
466 document required for the meeting as required by s.  
467 718.112(2)(c), which must be posted no later than the date  
468 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

469 3. The association shall ensure that the information and  
470 records described in paragraph (c), which are not allowed to be  
471 accessible to unit owners, are not posted on the association's  
472 website or application. If protected information or information  
473 restricted from being accessible to unit owners is included in  
474 documents that are required to be posted on the association's  
475 website or application, the association shall ensure the  
476 information is redacted before posting the documents ~~online~~.  
477 Notwithstanding the foregoing, the association or its agent is  
478 not liable for disclosing information that is protected or  
479 restricted under ~~pursuant to~~ this paragraph unless such  
480 disclosure was made with a knowing or intentional disregard of  
481 the protected or restricted nature of such information.

482 4. The failure of the association to post information  
483 required under subparagraph 2. is not in and of itself  
484 sufficient to invalidate any action or decision of the  
485 association's board or its committees.

486 Section 4. Paragraphs (d), (i), (j), (k), and (p) of  
487 subsection (2) of section 718.112, Florida Statutes, are  
488 amended, and paragraph (c) is added to subsection (1) of that  
489 section, to read:

490 718.112 Bylaws.—

491 (1) GENERALLY.—

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

12-00203B-21

2021630\_\_

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

497 (d) *Unit owner meetings.*—

498 1. An annual meeting of the unit owners must be held at the  
499 location provided in the association bylaws and, if the bylaws  
500 are silent as to the location, the meeting must be held within  
501 45 miles of the condominium property. However, such distance  
502 requirement does not apply to an association governing a  
503 timeshare condominium.

504 2. Unless the bylaws provide otherwise, a vacancy on the  
505 board caused by the expiration of a director's term must be  
506 filled by electing a new board member, and the election must be  
507 by secret ballot. An election is not required if the number of  
508 vacancies equals or exceeds the number of candidates. For  
509 purposes of this paragraph, the term "candidate" means an  
510 eligible person who has timely submitted the written notice, as  
511 described in sub-subparagraph 4.a., of his or her intention to  
512 become a candidate. Except in a timeshare or nonresidential  
513 condominium, or if the staggered term of a board member does not  
514 expire until a later annual meeting, or if all members' terms  
515 would otherwise expire but there are no candidates, the terms of  
516 all board members expire at the annual meeting, and such members  
517 may stand for reelection unless prohibited by the bylaws. Board  
518 members may serve terms longer than 1 year if permitted by the  
519 bylaws or articles of incorporation. A board member may not  
520 serve more than 8 consecutive years unless approved by an  
521 affirmative vote of unit owners representing two-thirds of all  
522 votes cast in the election or unless there are not enough

12-00203B-21

2021630\_\_

523 eligible candidates to fill the vacancies on the board at the  
524 time of the vacancy. Only board service that occurs on or after  
525 July 1, 2018, may be used when calculating a board member's term  
526 limit. If the number of board members whose terms expire at the  
527 annual meeting equals or exceeds the number of candidates, the  
528 candidates become members of the board effective upon the  
529 adjournment of the annual meeting. Unless the bylaws provide  
530 otherwise, any remaining vacancies shall be filled by the  
531 affirmative vote of the majority of the directors making up the  
532 newly constituted board even if the directors constitute less  
533 than a quorum or there is only one director. In a residential  
534 condominium association of more than 10 units or in a  
535 residential condominium association that does not include  
536 timeshare units or timeshare interests, co-owners of a unit may  
537 not serve as members of the board of directors at the same time  
538 unless they own more than one unit or unless there are not  
539 enough eligible candidates to fill the vacancies on the board at  
540 the time of the vacancy. A unit owner in a residential  
541 condominium desiring to be a candidate for board membership must  
542 comply with sub-subparagraph 4.a. and must be eligible to be a  
543 candidate to serve on the board of directors at the time of the  
544 deadline for submitting a notice of intent to run in order to  
545 have his or her name listed as a proper candidate on the ballot  
546 or to serve on the board. A person who has been suspended or  
547 removed by the division under this chapter, or who is delinquent  
548 in the payment of any monetary obligation due to the  
549 association, is not eligible to be a candidate for board  
550 membership and may not be listed on the ballot. A person who has  
551 been convicted of any felony in this state or in a United States

12-00203B-21

2021630\_\_

552 District or Territorial Court, or who has been convicted of any  
553 offense in another jurisdiction which would be considered a  
554 felony if committed in this state, is not eligible for board  
555 membership unless such felon's civil rights have been restored  
556 for at least 5 years as of the date such person seeks election  
557 to the board. The validity of an action by the board is not  
558 affected if it is later determined that a board member is  
559 ineligible for board membership due to having been convicted of  
560 a felony. This subparagraph does not limit the term of a member  
561 of the board of a nonresidential or timeshare condominium.

562 3. The bylaws must provide the method of calling meetings  
563 of unit owners, including annual meetings. Written notice of an  
564 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
565 delivered, or electronically transmitted to each unit owner at  
566 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in  
567 a conspicuous place on the condominium property or association  
568 property at least 14 continuous days before the annual meeting.  
569 Written notice of a meeting other than an annual meeting must  
570 include an agenda; be mailed, hand delivered, or electronically  
571 transmitted to each unit owner; and be posted in a conspicuous  
572 place on the condominium property or association property within  
573 the timeframe specified in the bylaws. If the bylaws do not  
574 specify a timeframe for written notice of a meeting other than  
575 an annual meeting, notice must be provided at least 14  
576 continuous days before the meeting. Upon notice to the unit  
577 owners, the board shall, by duly adopted rule, designate a  
578 specific location on the condominium property or association  
579 property where all notices of unit owner meetings must be  
580 posted. This requirement does not apply if there is no

12-00203B-21

2021630\_\_

581 condominium property for posting notices. In lieu of, or in  
582 addition to, the physical posting of meeting notices, the  
583 association may, by reasonable rule, adopt a procedure for  
584 conspicuously posting and repeatedly broadcasting the notice and  
585 the agenda on a closed-circuit cable television system serving  
586 the condominium association. However, if broadcast notice is  
587 used in lieu of a notice posted physically on the condominium  
588 property, the notice and agenda must be broadcast at least four  
589 times every broadcast hour of each day that a posted notice is  
590 otherwise required under this section. If broadcast notice is  
591 provided, the notice and agenda must be broadcast in a manner  
592 and for a sufficient continuous length of time so as to allow an  
593 average reader to observe the notice and read and comprehend the  
594 entire content of the notice and the agenda. In addition to any  
595 of the authorized means of providing notice of a meeting of the  
596 board, the association may, by rule, adopt a procedure for  
597 conspicuously posting the meeting notice and the agenda on a  
598 website serving the condominium association for at least the  
599 minimum period of time for which a notice of a meeting is also  
600 required to be physically posted on the condominium property.  
601 Any rule adopted shall, in addition to other matters, include a  
602 requirement that the association send an electronic notice in  
603 the same manner as a notice for a meeting of the members, which  
604 must include a hyperlink to the website where the notice is  
605 posted, to unit owners whose e-mail addresses are included in  
606 the association's official records. Unless a unit owner waives  
607 in writing the right to receive notice of the annual meeting,  
608 such notice must be hand delivered, mailed, or electronically  
609 transmitted to each unit owner. Notice for meetings and notice

12-00203B-21

2021630\_\_

610 for all other purposes must be mailed to each unit owner at the  
611 address last furnished to the association by the unit owner, or  
612 hand delivered to each unit owner. However, if a unit is owned  
613 by more than one person, the association must provide notice to  
614 the address that the developer identifies for that purpose and  
615 thereafter as one or more of the owners of the unit advise the  
616 association in writing, or if no address is given or the owners  
617 of the unit do not agree, to the address provided on the deed of  
618 record. An officer of the association, or the manager or other  
619 person providing notice of the association meeting, must provide  
620 an affidavit or United States Postal Service certificate of  
621 mailing, to be included in the official records of the  
622 association affirming that the notice was mailed or hand  
623 delivered in accordance with this provision.

624 4. The members of the board of a residential condominium  
625 shall be elected by written ballot or voting machine. Proxies  
626 may not be used in electing the board in general elections or  
627 elections to fill vacancies caused by recall, resignation, or  
628 otherwise, unless otherwise provided in this chapter. This  
629 subparagraph does not apply to an association governing a  
630 timeshare condominium.

631 a. At least 60 days before a scheduled election, the  
632 association shall mail, deliver, or electronically transmit, by  
633 separate association mailing or included in another association  
634 mailing, delivery, or transmission, including regularly  
635 published newsletters, to each unit owner entitled to a vote, a  
636 first notice of the date of the election. A unit owner or other  
637 eligible person desiring to be a candidate for the board must  
638 give written notice of his or her intent to be a candidate to

12-00203B-21

2021630\_\_

639 the association at least 40 days before a scheduled election.  
640 Together with the written notice and agenda as set forth in  
641 subparagraph 3., the association shall mail, deliver, or  
642 electronically transmit a second notice of the election to all  
643 unit owners entitled to vote, together with a ballot that lists  
644 all candidates not less than 14 days or more than 34 days before  
645 the date of the election. Upon request of a candidate, an  
646 information sheet, no larger than 8 1/2 inches by 11 inches,  
647 which must be furnished by the candidate at least 35 days before  
648 the election, must be included with the mailing, delivery, or  
649 transmission of the ballot, with the costs of mailing, delivery,  
650 or electronic transmission and copying to be borne by the  
651 association. The association is not liable for the contents of  
652 the information sheets prepared by the candidates. In order to  
653 reduce costs, the association may print or duplicate the  
654 information sheets on both sides of the paper. The division  
655 shall by rule establish voting procedures consistent with this  
656 sub-subparagraph, including rules establishing procedures for  
657 giving notice by electronic transmission and rules providing for  
658 the secrecy of ballots. Elections shall be decided by a  
659 plurality of ballots cast. There is no quorum requirement;  
660 however, at least 20 percent of the eligible voters must cast a  
661 ballot in order to have a valid election. A unit owner may not  
662 authorize any other person to vote his or her ballot, and any  
663 ballots improperly cast are invalid. A unit owner who violates  
664 this provision may be fined by the association in accordance  
665 with s. 718.303. A unit owner who needs assistance in casting  
666 the ballot for the reasons stated in s. 101.051 may obtain such  
667 assistance. The regular election must occur on the date of the

12-00203B-21

2021630\_\_

668 annual meeting. Notwithstanding this sub-subparagraph, an  
669 election is not required unless more candidates file notices of  
670 intent to run or are nominated than board vacancies exist.

671 b. Within 90 days after being elected or appointed to the  
672 board of an association of a residential condominium, each newly  
673 elected or appointed director shall certify in writing to the  
674 secretary of the association that he or she has read the  
675 association's declaration of condominium, articles of  
676 incorporation, bylaws, and current written policies; that he or  
677 she will work to uphold such documents and policies to the best  
678 of his or her ability; and that he or she will faithfully  
679 discharge his or her fiduciary responsibility to the  
680 association's members. In lieu of this written certification,  
681 within 90 days after being elected or appointed to the board,  
682 the newly elected or appointed director may submit a certificate  
683 of having satisfactorily completed the educational curriculum  
684 administered by a division-approved condominium education  
685 provider within 1 year before or 90 days after the date of  
686 election or appointment. The written certification or  
687 educational certificate is valid and does not have to be  
688 resubmitted as long as the director serves on the board without  
689 interruption. A director of an association of a residential  
690 condominium who fails to timely file the written certification  
691 or educational certificate is suspended from service on the  
692 board until he or she complies with this sub-subparagraph. The  
693 board may temporarily fill the vacancy during the period of  
694 suspension. The secretary shall cause the association to retain  
695 a director's written certification or educational certificate  
696 for inspection by the members for 5 years after a director's



12-00203B-21

2021630\_\_

697 election or the duration of the director's uninterrupted tenure,  
698 whichever is longer. Failure to have such written certification  
699 or educational certificate on file does not affect the validity  
700 of any board action.

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

703 5. Any approval by unit owners called for by this chapter  
704 or the applicable declaration or bylaws, including, but not  
705 limited to, the approval requirement in s. 718.111(8), must be  
706 made at a duly noticed meeting of unit owners and is subject to  
707 all requirements of this chapter or the applicable condominium  
708 documents relating to unit owner decisionmaking, except that  
709 unit owners may take action by written agreement, without  
710 meetings, on matters for which action by written agreement  
711 without meetings is expressly allowed by the applicable bylaws  
712 or declaration or any law that provides for such action.

713 6. Unit owners may waive notice of specific meetings if  
714 allowed by the applicable bylaws or declaration or any law.  
715 Notice of meetings of the board of administration, unit owner  
716 meetings, except unit owner meetings called to recall board  
717 members under paragraph (j), and committee meetings may be given  
718 by electronic transmission to unit owners who consent to receive  
719 notice by electronic transmission. A unit owner who consents to  
720 receiving notices by electronic transmission is solely  
721 responsible for removing or bypassing filters that block receipt  
722 of mass e-mails ~~emails~~ sent to members on behalf of the  
723 association in the course of giving electronic notices.

724 7. Unit owners have the right to participate in meetings of  
725 unit owners with reference to all designated agenda items.

12-00203B-21

2021630\_\_

726 However, the association may adopt reasonable rules governing  
727 the frequency, duration, and manner of unit owner participation.

728 8. A unit owner may tape record or videotape a meeting of  
729 the unit owners subject to reasonable rules adopted by the  
730 division.

731 9. Unless otherwise provided in the bylaws, any vacancy  
732 occurring on the board before the expiration of a term may be  
733 filled by the affirmative vote of the majority of the remaining  
734 directors, even if the remaining directors constitute less than  
735 a quorum, or by the sole remaining director. In the alternative,  
736 a board may hold an election to fill the vacancy, in which case  
737 the election procedures must conform to sub-subparagraph 4.a.  
738 unless the association governs 10 units or fewer and has opted  
739 out of the statutory election process, in which case the bylaws  
740 of the association control. Unless otherwise provided in the  
741 bylaws, a board member appointed or elected under this section  
742 shall fill the vacancy for the unexpired term of the seat being  
743 filled. Filling vacancies created by recall is governed by  
744 paragraph (j) and rules adopted by the division.

745 10. This chapter does not limit the use of general or  
746 limited proxies, require the use of general or limited proxies,  
747 or require the use of a written ballot or voting machine for any  
748 agenda item or election at any meeting of a timeshare  
749 condominium association or nonresidential condominium  
750 association.

751  
752 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
753 association of 10 or fewer units may, by affirmative vote of a  
754 majority of the total voting interests, provide for different

12-00203B-21

2021630\_\_

755 voting and election procedures in its bylaws, which may be by a  
756 proxy specifically delineating the different voting and election  
757 procedures. The different voting and election procedures may  
758 provide for elections to be conducted by limited or general  
759 proxy.

760 (i) *Transfer fees.*—An association may not ~~no~~ charge a fee  
761 ~~shall be made by the association or any body thereof~~ in  
762 connection with the sale, mortgage, lease, sublease, or other  
763 transfer of a unit unless the association is required to approve  
764 such transfer and a fee for such approval is provided for in the  
765 declaration, articles, or bylaws. Any such fee may be preset,  
766 but may not ~~in no event may such fee~~ exceed \$150 ~~\$100~~ per  
767 applicant. For the purpose of calculating the fee, spouses or a  
768 parent or parents and any dependent children ~~other than~~  
769 ~~husband/wife or parent/dependent child, which~~ are considered one  
770 applicant. However, if the lease or sublease is a renewal of a  
771 lease or sublease with the same lessee or sublessee, a charge  
772 may not ~~no charge shall~~ be made. Such fees must be adjusted  
773 every 5 years in an amount equal to the total of the annual  
774 increases occurring in the Consumer Price Index for All Urban  
775 Consumers, U.S. City Average, All Items during that 5-year  
776 period. The Department of Business and Professional Regulation  
777 shall periodically calculate the fees, rounded to the nearest  
778 dollar, and publish the amounts, as adjusted, on its website.  
779 The foregoing notwithstanding, ~~an association may,~~ if the  
780 authority to do so appears in the declaration, articles, or  
781 bylaws, an association may require that a prospective lessee  
782 place a security deposit, in an amount not to exceed the  
783 equivalent of 1 month's rent, into an escrow account maintained

12-00203B-21

2021630\_\_

784 by the association. The security deposit shall protect against  
785 damages to the common elements or association property. Payment  
786 of interest, claims against the deposit, refunds, and disputes  
787 under this paragraph shall be handled in the same fashion as  
788 provided in part II of chapter 83.

789 (j) *Recall of board members.*—Subject to s. 718.301, any  
790 member of the board of administration may be recalled and  
791 removed from office with or without cause by the vote or  
792 agreement in writing by a majority of all the voting interests.  
793 A special meeting of the unit owners to recall a member or  
794 members of the board of administration may be called by 10  
795 percent of the voting interests giving notice of the meeting as  
796 required for a meeting of unit owners, and the notice shall  
797 state the purpose of the meeting. Electronic transmission may  
798 not be used as a method of giving notice of a meeting called in  
799 whole or in part for this purpose.

800 1. If the recall is approved by a majority of all voting  
801 interests by a vote at a meeting, the recall will be effective  
802 as provided in this paragraph. The board shall duly notice and  
803 hold a board meeting within 5 full business days after the  
804 adjournment of the unit owner meeting to recall one or more  
805 board members. Such member or members shall be recalled  
806 effective immediately upon conclusion of the board meeting,  
807 provided that the recall is facially valid. A recalled member  
808 must turn over to the board, within 10 full business days after  
809 the vote, any and all records and property of the association in  
810 their possession.

811 2. If the proposed recall is by an agreement in writing by  
812 a majority of all voting interests, the agreement in writing or

12-00203B-21

2021630\_\_

813 a copy thereof shall be served on the association by certified  
814 mail or by personal service in the manner authorized by chapter  
815 48 and the Florida Rules of Civil Procedure. The board of  
816 administration shall duly notice and hold a meeting of the board  
817 within 5 full business days after receipt of the agreement in  
818 writing. Such member or members shall be recalled effective  
819 immediately upon the conclusion of the board meeting, provided  
820 that the recall is facially valid. A recalled member must turn  
821 over to the board, within 10 full business days, any and all  
822 records and property of the association in their possession.

823 3. If the board fails to duly notice and hold a board  
824 meeting within 5 full business days after service of an  
825 agreement in writing or within 5 full business days after the  
826 adjournment of the unit owner recall meeting, the recall is  
827 ~~shall be~~ deemed effective and the board members so recalled  
828 shall turn over to the board within 10 full business days after  
829 the vote any and all records and property of the association.

830 4. If the board fails to duly notice and hold the required  
831 meeting or at the conclusion of the meeting determines that the  
832 recall is not facially valid, the unit owner representative may  
833 file a petition or court action under ~~pursuant to~~ s. 718.1255  
834 challenging the board's failure to act or challenging the  
835 board's determination on facial validity. The petition or action  
836 must be filed within 60 days after the expiration of the  
837 applicable 5-full-business-day period. The review of a petition  
838 or action under this subparagraph is limited to the sufficiency  
839 of service on the board and the facial validity of the written  
840 agreement or ballots filed.

841 5. If a vacancy occurs on the board as a result of a recall

12-00203B-21

2021630\_\_

842 or removal and less than a majority of the board members are  
843 removed, the vacancy may be filled by the affirmative vote of a  
844 majority of the remaining directors, notwithstanding any  
845 provision to the contrary contained in this subsection. If  
846 vacancies occur on the board as a result of a recall and a  
847 majority or more of the board members are removed, the vacancies  
848 shall be filled in accordance with procedural rules to be  
849 adopted by the division, which rules need not be consistent with  
850 this subsection. The rules must provide procedures governing the  
851 conduct of the recall election as well as the operation of the  
852 association during the period after a recall but before the  
853 recall election.

854 6. A board member who has been recalled may file a petition  
855 or court action under ~~pursuant to~~ s. 718.1255 challenging the  
856 validity of the recall. The petition or action must be filed  
857 within 60 days after the recall. The association and the unit  
858 owner representative shall be named as the respondents. The  
859 petition or action may challenge the facial validity of the  
860 written agreement or ballots filed or the substantial compliance  
861 with the procedural requirements for the recall. If the  
862 arbitrator or court determines the recall was invalid, the  
863 petitioning board member shall immediately be reinstated and the  
864 recall is null and void. A board member who is successful in  
865 challenging a recall is entitled to recover reasonable attorney  
866 fees and costs from the respondents. The arbitrator or court may  
867 award reasonable attorney fees and costs to the respondents if  
868 they prevail, if the arbitrator or court makes a finding that  
869 the petitioner's claim is frivolous.

870 7. The division or a court of competent jurisdiction may

12-00203B-21

2021630\_\_

871 not accept for filing a recall petition or court action, whether  
872 filed under ~~pursuant to~~ subparagraph 1., subparagraph 2.,  
873 subparagraph 4., or subparagraph 6., when there are 60 or fewer  
874 days until the scheduled reelection of the board member sought  
875 to be recalled or when 60 or fewer days have elapsed since the  
876 election of the board member sought to be recalled.

877 (k) Alternative dispute resolution Arbitration.—There must  
878 shall be a provision for alternative dispute resolution  
879 ~~mandatory nonbinding arbitration~~ as provided for in s. 718.1255  
880 for any residential condominium.

881 ~~(p) Service providers; conflicts of interest. An~~  
882 ~~association, which is not a timeshare condominium association,~~  
883 ~~may not employ or contract with any service provider that is~~  
884 ~~owned or operated by a board member or with any person who has a~~  
885 ~~financial relationship with a board member or officer, or a~~  
886 ~~relative within the third degree of consanguinity by blood or~~  
887 ~~marriage of a board member or officer. This paragraph does not~~  
888 ~~apply to a service provider in which a board member or officer,~~  
889 ~~or a relative within the third degree of consanguinity by blood~~  
890 ~~or marriage of a board member or officer, owns less than 1~~  
891 ~~percent of the equity shares.~~

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

894 718.113 Maintenance; limitation upon improvement; display  
895 of flag; hurricane shutters and protection; display of religious  
896 decorations.—

897 (8) The Legislature finds that the use of electric and  
898 natural gas fuel vehicles conserves and protects the state's  
899 environmental resources, provides significant economic savings

12-00203B-21

2021630\_\_

900 to drivers, and serves an important public interest. The  
901 participation of condominium associations is essential to the  
902 state's efforts to conserve and protect the state's  
903 environmental resources and provide economic savings to drivers.  
904 For purposes of this subsection, the term "natural gas fuel" has  
905 the same meaning as in s. 206.9951, and the term "natural gas  
906 fuel vehicle" means any motor vehicle, as defined in s. 320.01,  
907 that is powered by natural gas fuel. Therefore, the installation  
908 of an electric vehicle charging station or a natural gas fuel  
909 station shall be governed as follows:

910 (a) A declaration of condominium or restrictive covenant  
911 may not prohibit or be enforced so as to prohibit any unit owner  
912 from installing an electric vehicle charging station or a  
913 natural gas fuel station within the boundaries of the unit  
914 owner's limited common element or exclusively designated parking  
915 area. The board of administration of a condominium association  
916 may not prohibit a unit owner from installing an electric  
917 vehicle charging station for an electric vehicle, as defined in  
918 s. 320.01, or a natural gas fuel station for a natural gas fuel  
919 vehicle within the boundaries of his or her limited common  
920 element or exclusively designated parking area. The installation  
921 of such charging or fuel stations are subject to the provisions  
922 of this subsection.

923 (b) The installation may not cause irreparable damage to  
924 the condominium property.

925 (c) The electricity for the electric vehicle charging  
926 station or natural gas fuel station must be separately metered  
927 or metered by an embedded meter and payable by the unit owner  
928 installing such charging or fuel station or by his or her



12-00203B-21

2021630\_\_

929 successor.

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

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

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

945 (g) The unit owner installing, maintaining, or removing the  
946 electric vehicle charging station or natural gas fuel station is  
947 responsible for complying with all federal, state, or local laws  
948 and regulations applicable to such installation, maintenance, or  
949 removal.

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

951 1. Comply with bona fide safety requirements, consistent  
952 with applicable building codes or recognized safety standards,  
953 for the protection of persons and property.

954 2. Comply with reasonable architectural standards adopted  
955 by the association that govern the dimensions, placement, or  
956 external appearance of the electric vehicle charging station or  
957 natural gas fuel station, provided that such standards may not

12-00203B-21

2021630\_\_

958 prohibit the installation of such charging or fuel station or  
959 substantially increase the cost thereof.

960 3. Engage the services of a licensed and registered firm  
961 ~~electrical contractor or engineer~~ familiar with the installation  
962 or removal and core requirements of an electric vehicle charging  
963 station or a natural gas fuel station.

964 4. Provide a certificate of insurance naming the  
965 association as an additional insured on the owner's insurance  
966 policy for any claim related to the installation, maintenance,  
967 or use of the electric vehicle charging station or natural gas  
968 fuel station within 14 days after receiving the association's  
969 approval to install such charging or fuel station or notice to  
970 provide such a certificate.

971 5. Reimburse the association for the actual cost of any  
972 increased insurance premium amount attributable to the electric  
973 vehicle charging station or natural gas fuel station within 14  
974 days after receiving the association's insurance premium  
975 invoice.

976 (i) ~~(g)~~ The association provides an implied easement across  
977 the common elements of the condominium property to the unit  
978 owner for purposes of ~~the installation of the~~ electric vehicle  
979 charging station or natural gas fuel station installation, and  
980 the furnishing of electrical power or natural gas fuel supply,  
981 including any necessary equipment, to such charging or fuel  
982 station, subject to the requirements of this subsection.

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

985 718.117 Termination of condominium.—

986 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest a

12-00203B-21

2021630\_\_

987 plan of termination by initiating a petition in accordance with  
988 ~~for mandatory nonbinding arbitration pursuant to s. 718.1255~~  
989 within 90 days after the date the plan is recorded. A unit owner  
990 or lienor may only contest the fairness and reasonableness of  
991 the apportionment of the proceeds from the sale among the unit  
992 owners, that the liens of the first mortgages of unit owners  
993 other than the bulk owner have not or will not be satisfied to  
994 the extent required by subsection (3), or that the required vote  
995 to approve the plan was not obtained. A unit owner or lienor who  
996 does not contest the plan within the 90-day period is barred  
997 from asserting or prosecuting a claim against the association,  
998 the termination trustee, any unit owner, or any successor in  
999 interest to the condominium property. In an action contesting a  
1000 plan of termination, the person contesting the plan has the  
1001 burden of pleading and proving that the apportionment of the  
1002 proceeds from the sale among the unit owners was not fair and  
1003 reasonable or that the required vote was not obtained. The  
1004 apportionment of sale proceeds is presumed fair and reasonable  
1005 if it was determined pursuant to the methods prescribed in  
1006 subsection (12). If the petition is filed with the division for  
1007 arbitration, the arbitrator shall determine the rights and  
1008 interests of the parties in the apportionment of the sale  
1009 proceeds. If the arbitrator determines that the apportionment of  
1010 sales proceeds is not fair and reasonable, the arbitrator may  
1011 void the plan or may modify the plan to apportion the proceeds  
1012 in a fair and reasonable manner pursuant to this section based  
1013 upon the proceedings and order the modified plan of termination  
1014 to be implemented. If the arbitrator determines that the plan  
1015 was not properly approved, or that the procedures to adopt the

12-00203B-21

2021630\_\_

1016 plan were not properly followed, the arbitrator may void the  
1017 plan or grant other relief it deems just and proper. The  
1018 arbitrator shall automatically void the plan upon a finding that  
1019 any of the disclosures required in subparagraph (3)(c)5. are  
1020 omitted, misleading, incomplete, or inaccurate. Any challenge to  
1021 a plan, other than a challenge that the required vote was not  
1022 obtained, does not affect title to the condominium property or  
1023 the vesting of the condominium property in the trustee, but  
1024 shall only be a claim against the proceeds of the plan. In any  
1025 such action, the prevailing party shall recover reasonable  
1026 attorney fees and costs.

1027 Section 7. Subsections (2) and (4) of section 718.121,  
1028 Florida Statutes, are amended to read:

1029 718.121 Liens.—

1030 (2) Labor performed on or materials furnished to a unit may  
1031 ~~shall~~ not be the basis for the filing of a lien under ~~pursuant~~  
1032 ~~to~~ part I of chapter 713, the Construction Lien Law, against the  
1033 unit or condominium parcel of any unit owner not expressly  
1034 consenting to or requesting the labor or materials. Labor  
1035 performed on or materials furnished for the installation of a  
1036 natural gas fuel station or an electric ~~electronic~~ vehicle  
1037 charging station under ~~pursuant to~~ s. 718.113(8) may not be the  
1038 basis for filing a lien under part I of chapter 713 against the  
1039 association, but such a lien may be filed against the unit  
1040 owner. Labor performed on or materials furnished to the common  
1041 elements are not the basis for a lien on the common elements,  
1042 but if authorized by the association, the labor or materials are  
1043 deemed to be performed or furnished with the express consent of  
1044 each unit owner and may be the basis for the filing of a lien

12-00203B-21

2021630\_\_

1045 against all condominium parcels in the proportions for which the  
1046 owners are liable for common expenses.

1047 (4) Except as otherwise provided in this chapter, no lien  
1048 may be filed by the association against a condominium unit until  
1049 30 days after the date on which a notice of intent to file a  
1050 lien has been delivered to the owner by registered or certified  
1051 mail, return receipt requested, and by first-class United States  
1052 mail to the owner at his or her last address as reflected in the  
1053 records of the association, if the address is within the United  
1054 States, and delivered to the owner at the address of the unit if  
1055 the owner's address as reflected in the records of the  
1056 association is not the unit address. If the address reflected in  
1057 the records is outside the United States, sending the notice to  
1058 that address and to the unit address by first-class United  
1059 States mail is sufficient. ~~Delivery of the Notice is shall be~~  
1060 deemed to have been delivered ~~given~~ upon mailing as required by  
1061 this subsection, provided that it is. ~~The notice must be~~ in  
1062 substantially the following form:

1063  
1064 NOTICE OF INTENT  
1065 TO RECORD A CLAIM OF LIEN  
1066

1067 RE: Unit .... of ...(name of association)...

1068  
1069 The following amounts are currently due on your  
1070 account to ...(name of association)..., and must be  
1071 paid within 30 days after your receipt of this letter.  
1072 This letter shall serve as the association's notice of  
1073 intent to record a Claim of Lien against your property

12-00203B-21

2021630\_\_

1074 no sooner than 30 days after your receipt of this  
 1075 letter, unless you pay in full the amounts set forth  
 1076 below:  
 1077  
 1078 Maintenance due ...(dates)... \$.....  
 1079 Late fee, if applicable \$.....  
 1080 Interest through ...(dates)...\* \$.....  
 1081 Certified mail charges ...(dates)... \$.....  
 1082 Other costs \$.....  
 1083 TOTAL OUTSTANDING \$.....  
 1084

1085 \*Interest accrues at the rate of .... percent per annum.  
 1086 Section 8. Section 718.1255, Florida Statutes, is amended  
 1087 to read:

1088 718.1255 Alternative dispute resolution; ~~voluntary~~  
 1089 mediation; ~~mandatory~~ nonbinding arbitration; legislative  
 1090 findings.—

1091 (1) DEFINITIONS.—As used in this section, the term  
 1092 “dispute” means any disagreement between two or more parties  
 1093 that involves:

1094 (a) The authority of the board of directors, under this  
 1095 chapter or association document, to:

1096 1. Require any owner to take any action, or not to take any  
 1097 action, involving that owner’s unit or the appurtenances  
 1098 thereto.

1099 2. Alter or add to a common area or element.

1100 (b) The failure of a governing body, when required by this  
 1101 chapter or an association document, to:

1102 1. Properly conduct elections.

12-00203B-21

2021630\_\_

- 1103           2. Give adequate notice of meetings or other actions.  
1104           3. Properly conduct meetings.  
1105           4. Allow inspection of books and records.  
1106           (c) A plan of termination pursuant to s. 718.117.

1107

1108 "Dispute" does not include any disagreement that primarily  
1109 involves: title to any unit or common element; the  
1110 interpretation or enforcement of any warranty; the levy of a fee  
1111 or assessment, or the collection of an assessment levied against  
1112 a party; the eviction or other removal of a tenant from a unit;  
1113 alleged breaches of fiduciary duty by one or more directors; or  
1114 claims for damages to a unit based upon the alleged failure of  
1115 the association to maintain the common elements or condominium  
1116 property.

1117           (2) ~~VOLUNTARY MEDIATION.~~ Voluntary Mediation through  
1118 Citizen Dispute Settlement Centers as provided for in s. 44.201  
1119 is encouraged.

1120           (3) LEGISLATIVE FINDINGS.—

1121           (a) The Legislature finds that unit owners are frequently  
1122 at a disadvantage when litigating against an association.  
1123 Specifically, a condominium association, with its statutory  
1124 assessment authority, is often more able to bear the costs and  
1125 expenses of litigation than the unit owner who must rely on his  
1126 or her own financial resources to satisfy the costs of  
1127 litigation against the association.

1128           (b) The Legislature finds that alternative dispute  
1129 resolution has been making progress in reducing court dockets  
1130 and trials and in offering a more efficient, cost-effective  
1131 option to court litigation. However, the Legislature also finds

12-00203B-21

2021630\_\_

1132 that alternative dispute resolution should not be used as a  
1133 mechanism to encourage the filing of frivolous or nuisance  
1134 suits.

1135 (c) There exists a need to develop a flexible means of  
1136 alternative dispute resolution that directs disputes to the most  
1137 efficient means of resolution.

1138 (d) The high cost and significant delay of circuit court  
1139 litigation faced by unit owners in the state can be alleviated  
1140 by requiring nonbinding arbitration and mediation in appropriate  
1141 cases, thereby reducing delay and attorney ~~attorney's~~ fees while  
1142 preserving the right of either party to have its case heard by a  
1143 jury, if applicable, in a court of law.

1144 (4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF  
1145 DISPUTES.—The Division of Florida Condominiums, Timeshares, and  
1146 Mobile Homes of the Department of Business and Professional  
1147 Regulation may employ full-time attorneys to act as arbitrators  
1148 to conduct the arbitration hearings provided by this chapter.  
1149 The division may also certify attorneys who are not employed by  
1150 the division to act as arbitrators to conduct the arbitration  
1151 hearings provided by this chapter. A ~~No~~ person may not be  
1152 employed by the department as a full-time arbitrator unless he  
1153 or she is a member in good standing of The Florida Bar. A person  
1154 may only be certified by the division to act as an arbitrator if  
1155 he or she has been a member in good standing of The Florida Bar  
1156 for at least 5 years and has mediated or arbitrated at least 10  
1157 disputes involving condominiums in this state during the 3 years  
1158 immediately preceding the date of application, mediated or  
1159 arbitrated at least 30 disputes in any subject area in this  
1160 state during the 3 years immediately preceding the date of



12-00203B-21

2021630\_\_

1161 application, or attained board certification in real estate law  
1162 or condominium and planned development law from The Florida Bar.  
1163 Arbitrator certification is valid for 1 year. An arbitrator who  
1164 does not maintain the minimum qualifications for initial  
1165 certification may not have his or her certification renewed. The  
1166 department may not enter into a legal services contract for an  
1167 arbitration hearing under this chapter with an attorney who is  
1168 not a certified arbitrator unless a certified arbitrator is not  
1169 available within 50 miles of the dispute. The department shall  
1170 adopt rules of procedure to govern such arbitration hearings  
1171 including mediation incident thereto. The decision of an  
1172 arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not  
1173 ~~be~~ deemed final agency action. Nothing in this provision shall  
1174 be construed to foreclose parties from proceeding in a trial de  
1175 novo unless the parties have agreed that the arbitration is  
1176 binding. If judicial proceedings are initiated, the final  
1177 decision of the arbitrator is ~~shall be~~ admissible in evidence in  
1178 the trial de novo.

1179 (a) Before ~~Prior to~~ the institution of court litigation, a  
1180 party to a dispute, other than an election or recall dispute,  
1181 shall either petition the division for nonbinding arbitration or  
1182 initiate presuit mediation as provided in subsection (5).

1183 Arbitration is binding on the parties if all parties in  
1184 arbitration agree to be bound in a writing filed in arbitration.  
1185 The petition must be accompanied by a filing fee in the amount  
1186 of \$50. Filing fees collected under this section must be used to  
1187 defray the expenses of the alternative dispute resolution  
1188 program.

1189 (b) The petition must recite, and have attached thereto,

12-00203B-21

2021630\_\_

1190 supporting proof that the petitioner gave the respondents:

1191 1. Advance written notice of the specific nature of the  
1192 dispute;

1193 2. A demand for relief, and a reasonable opportunity to  
1194 comply or to provide the relief; and

1195 3. Notice of the intention to file an arbitration petition  
1196 or other legal action in the absence of a resolution of the  
1197 dispute.

1198  
1199 Failure to include the allegations or proof of compliance with  
1200 these prerequisites requires dismissal of the petition without  
1201 prejudice.

1202 (c) Upon receipt, the petition shall be promptly reviewed  
1203 by the division to determine the existence of a dispute and  
1204 compliance with the requirements of paragraphs (a) and (b). If  
1205 emergency relief is required and is not available through  
1206 arbitration, a motion to stay the arbitration may be filed. The  
1207 motion must be accompanied by a verified petition alleging facts  
1208 that, if proven, would support entry of a temporary injunction,  
1209 and if an appropriate motion and supporting papers are filed,  
1210 the division may abate the arbitration pending a court hearing  
1211 and disposition of a motion for temporary injunction.

1212 (d) Upon determination by the division that a dispute  
1213 exists and that the petition substantially meets the  
1214 requirements of paragraphs (a) and (b) and any other applicable  
1215 rules, the division shall assign or enter into a contract with  
1216 an arbitrator and serve a copy of the petition upon all  
1217 respondents. The arbitrator shall conduct a hearing within 30  
1218 days after being assigned or entering into a contract unless the

12-00203B-21

2021630\_\_

1219 petition is withdrawn or a continuance is granted for good cause  
1220 shown.

1221 (e) Before or after the filing of the respondents' answer  
1222 to the petition, any party may request that the arbitrator refer  
1223 the case to mediation under this section and any rules adopted  
1224 by the division. Upon receipt of a request for mediation, the  
1225 division shall promptly contact the parties to determine if  
1226 there is agreement that mediation would be appropriate. If all  
1227 parties agree, the dispute must be referred to mediation.  
1228 Notwithstanding a lack of an agreement by all parties, the  
1229 arbitrator may refer a dispute to mediation at any time.

1230 (f) Upon referral of a case to mediation, the parties must  
1231 select a mutually acceptable mediator. To assist in the  
1232 selection, the arbitrator shall provide the parties with a list  
1233 of both volunteer and paid mediators that have been certified by  
1234 the division under s. 718.501. If the parties are unable to  
1235 agree on a mediator within the time allowed by the arbitrator,  
1236 the arbitrator shall appoint a mediator from the list of  
1237 certified mediators. If a case is referred to mediation, the  
1238 parties shall attend a mediation conference, as scheduled by the  
1239 parties and the mediator. If any party fails to attend a duly  
1240 noticed mediation conference, without the permission or approval  
1241 of the arbitrator or mediator, the arbitrator must impose  
1242 sanctions against the party, including the striking of any  
1243 pleadings filed, the entry of an order of dismissal or default  
1244 if appropriate, and the award of costs and attorney fees  
1245 incurred by the other parties. Unless otherwise agreed to by the  
1246 parties or as provided by order of the arbitrator, a party is  
1247 deemed to have appeared at a mediation conference by the

12-00203B-21

2021630\_\_

1248 physical presence of the party or its representative having full  
1249 authority to settle without further consultation, provided that  
1250 an association may comply by having one or more representatives  
1251 present with full authority to negotiate a settlement and  
1252 recommend that the board of administration ratify and approve  
1253 such a settlement within 5 days from the date of the mediation  
1254 conference. The parties shall share equally the expense of  
1255 mediation, unless they agree otherwise.

1256 (g) The purpose of mediation as provided for by this  
1257 section is to present the parties with an opportunity to resolve  
1258 the underlying dispute in good faith, and with a minimum  
1259 expenditure of time and resources.

1260 (h) Mediation proceedings must generally be conducted in  
1261 accordance with the Florida Rules of Civil Procedure, and these  
1262 proceedings are privileged and confidential to the same extent  
1263 as court-ordered mediation. Persons who are not parties to the  
1264 dispute are not allowed to attend the mediation conference  
1265 without the consent of all parties, with the exception of  
1266 counsel for the parties and corporate representatives designated  
1267 to appear for a party. If the mediator declares an impasse after  
1268 a mediation conference has been held, the arbitration proceeding  
1269 terminates, unless all parties agree in writing to continue the  
1270 arbitration proceeding, in which case the arbitrator's decision  
1271 shall be binding or nonbinding, as agreed upon by the parties;  
1272 in the arbitration proceeding, the arbitrator shall not consider  
1273 any evidence relating to the unsuccessful mediation except in a  
1274 proceeding to impose sanctions for failure to appear at the  
1275 mediation conference. If the parties do not agree to continue  
1276 arbitration, the arbitrator shall enter an order of dismissal,

12-00203B-21

2021630\_\_

1277 and either party may institute a suit in a court of competent  
1278 jurisdiction. The parties may seek to recover any costs and  
1279 attorney fees incurred in connection with arbitration and  
1280 mediation proceedings under this section as part of the costs  
1281 and fees that may be recovered by the prevailing party in any  
1282 subsequent litigation.

1283 (i) Arbitration shall be conducted according to rules  
1284 adopted by the division. The filing of a petition for  
1285 arbitration shall toll the applicable statute of limitations.

1286 (j) At the request of any party to the arbitration, the  
1287 arbitrator shall issue subpoenas for the attendance of witnesses  
1288 and the production of books, records, documents, and other  
1289 evidence and any party on whose behalf a subpoena is issued may  
1290 apply to the court for orders compelling such attendance and  
1291 production. Subpoenas shall be served and shall be enforceable  
1292 in the manner provided by the Florida Rules of Civil Procedure.  
1293 Discovery may, in the discretion of the arbitrator, be permitted  
1294 in the manner provided by the Florida Rules of Civil Procedure.  
1295 Rules adopted by the division may authorize any reasonable  
1296 sanctions except contempt for a violation of the arbitration  
1297 procedural rules of the division or for the failure of a party  
1298 to comply with a reasonable nonfinal order issued by an  
1299 arbitrator which is not under judicial review.

1300 (k) The arbitration decision shall be rendered within 30  
1301 days after the hearing and presented to the parties in writing.  
1302 An arbitration decision is final in those disputes in which the  
1303 parties have agreed to be bound. An arbitration decision is also  
1304 final if a complaint for a trial de novo is not filed in a court  
1305 of competent jurisdiction in which the condominium is located

12-00203B-21

2021630\_\_

1306 within 30 days. The right to file for a trial de novo entitles  
1307 the parties to file a complaint in the appropriate trial court  
1308 for a judicial resolution of the dispute. The prevailing party  
1309 in an arbitration proceeding shall be awarded the costs of the  
1310 arbitration and reasonable attorney fees in an amount determined  
1311 by the arbitrator. Such an award shall include the costs and  
1312 reasonable attorney fees incurred in the arbitration proceeding  
1313 as well as the costs and reasonable attorney fees incurred in  
1314 preparing for and attending any scheduled mediation. An  
1315 arbitrator's failure to render a written decision within 30 days  
1316 after the hearing may result in the cancellation of his or her  
1317 arbitration certification.

1318 (l) The party who files a complaint for a trial de novo  
1319 shall be assessed the other party's arbitration costs, court  
1320 costs, and other reasonable costs, including attorney fees,  
1321 investigation expenses, and expenses for expert or other  
1322 testimony or evidence incurred after the arbitration hearing if  
1323 the judgment upon the trial de novo is not more favorable than  
1324 the arbitration decision. If the judgment is more favorable, the  
1325 party who filed a complaint for trial de novo shall be awarded  
1326 reasonable court costs and attorney fees.

1327 (m) Any party to an arbitration proceeding may enforce an  
1328 arbitration award by filing a petition in a court of competent  
1329 jurisdiction in which the condominium is located. A petition may  
1330 not be granted unless the time for appeal by the filing of a  
1331 complaint for trial de novo has expired. If a complaint for a  
1332 trial de novo has been filed, a petition may not be granted with  
1333 respect to an arbitration award that has been stayed. If the  
1334 petition for enforcement is granted, the petitioner shall

12-00203B-21

2021630\_\_

1335 recover reasonable attorney fees and costs incurred in enforcing  
1336 the arbitration award. A mediation settlement may also be  
1337 enforced through the county or circuit court, as applicable, and  
1338 any costs and fees incurred in the enforcement of a settlement  
1339 agreement reached at mediation must be awarded to the prevailing  
1340 party in any enforcement action.

1341 (5) PRESUIT MEDIATION.—In lieu of the initiation of  
1342 nonbinding arbitration as provided in subsections (1)-(4), a  
1343 party may submit a dispute to presuit mediation in accordance  
1344 with s. 720.311; however, election and recall disputes are not  
1345 eligible for mediation and such disputes must be arbitrated by  
1346 the division or filed in a court of competent jurisdiction.

1347 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every  
1348 arbitration petition received by the division and required to be  
1349 filed under this section challenging the legality of the  
1350 election of any director of the board of administration must be  
1351 handled on an expedited basis in the manner provided by the  
1352 division's rules for recall arbitration disputes.

1353 (7) ~~(6)~~ APPLICABILITY.—This section does not apply to a  
1354 nonresidential condominium unless otherwise specifically  
1355 provided for in the declaration of the nonresidential  
1356 condominium.

1357 Section 9. Section 718.1265, Florida Statutes, is amended  
1358 to read:

1359 718.1265 Association emergency powers.—

1360 (1) To the extent allowed by law, and unless specifically  
1361 prohibited by the declaration of condominium, the articles, or  
1362 the bylaws of an association, and consistent with ~~the provisions~~  
1363 ~~of~~ s. 617.0830, the board of administration, in response to

12-00203B-21

2021630\_\_

1364 damage or injury caused by or anticipated in connection with an  
1365 emergency, as defined in s. 252.34(4), ~~event~~ for which a state  
1366 of emergency is declared pursuant to s. 252.36 in the locale in  
1367 which the condominium is located, ~~may, but is not required to,~~  
1368 exercise the following powers:

1369 (a) Conduct board meetings, committee meetings, elections,  
1370 and membership meetings, in whole or in part, by telephone,  
1371 real-time videoconferencing, or similar real-time electronic or  
1372 video communication with notice given as is practicable. Such  
1373 notice may be given in any practicable manner, including  
1374 publication, radio, United States mail, the Internet, electronic  
1375 transmission, public service announcements, and conspicuous  
1376 posting on the condominium property or association property or  
1377 any other means the board deems reasonable under the  
1378 circumstances. Notice of ~~board~~ decisions also may be  
1379 communicated as provided in this paragraph.

1380 (b) Cancel and reschedule any association meeting.

1381 (c) Name as assistant officers persons who are not  
1382 directors, which assistant officers shall have the same  
1383 authority as the executive officers to whom they are assistants  
1384 during the state of emergency to accommodate the incapacity or  
1385 unavailability of any officer of the association.

1386 (d) Relocate the association's principal office or  
1387 designate alternative principal offices.

1388 (e) Enter into agreements with local counties and  
1389 municipalities to assist counties and municipalities with debris  
1390 removal.

1391 (f) Implement a disaster plan or an emergency plan before,  
1392 during, or ~~immediately~~ following the event for which a state of



12-00203B-21

2021630\_\_

1393 emergency is declared which may include, but is not limited to,  
1394 shutting down or off elevators; electricity; water, sewer, or  
1395 security systems; or air conditioners.

1396 (g) Based upon advice of emergency management officials or  
1397 public health officials, or upon the advice of licensed  
1398 professionals retained by or otherwise available to the board,  
1399 determine any portion of the condominium property or association  
1400 property unavailable for entry or occupancy by unit owners,  
1401 family members, tenants, guests, agents, or invitees to protect  
1402 the health, safety, or welfare of such persons.

1403 (h) Require the evacuation of the condominium property in  
1404 the event of a mandatory evacuation order in the locale in which  
1405 the condominium is located. Should any unit owner or other  
1406 occupant of a condominium fail or refuse to evacuate the  
1407 condominium property or association property where the board has  
1408 required evacuation, the association shall be immune from  
1409 liability or injury to persons or property arising from such  
1410 failure or refusal.

1411 (i) Based upon advice of emergency management officials or  
1412 public health officials, or upon the advice of licensed  
1413 professionals retained by or otherwise available to the board,  
1414 determine whether the condominium property, association  
1415 property, or any portion thereof can be safely inhabited,  
1416 accessed, or occupied. However, such determination is not  
1417 conclusive as to any determination of habitability pursuant to  
1418 the declaration.

1419 (j) Mitigate further damage, injury, or contagion,  
1420 including taking action to contract for the removal of debris  
1421 and to prevent or mitigate the spread of fungus or contagion,

12-00203B-21

2021630\_\_

1422 including, but not limited to, mold or mildew, by removing and  
1423 disposing of wet drywall, insulation, carpet, cabinetry, or  
1424 other fixtures on or within the condominium property, even if  
1425 the unit owner is obligated by the declaration or law to insure  
1426 or replace those fixtures and to remove personal property from a  
1427 unit.

1428 (k) Contract, on behalf of any unit owner or owners, for  
1429 items or services for which the owners are otherwise  
1430 individually responsible, but which are necessary to prevent  
1431 further injury, contagion, or damage to the condominium property  
1432 or association property. In such event, the unit owner or owners  
1433 on whose behalf the board has contracted are responsible for  
1434 reimbursing the association for the actual costs of the items or  
1435 services, and the association may use its lien authority  
1436 provided by s. 718.116 to enforce collection of the charges.  
1437 Without limitation, such items or services may include the  
1438 drying of units, the boarding of broken windows or doors, ~~and~~  
1439 the replacement of damaged air conditioners or air handlers to  
1440 provide climate control in the units or other portions of the  
1441 property, and the sanitizing of the condominium property or  
1442 association property, as applicable.

1443 (l) Regardless of any provision to the contrary and even if  
1444 such authority does not specifically appear in the declaration  
1445 of condominium, articles, or bylaws of the association, levy  
1446 special assessments without a vote of the owners.

1447 (m) Without unit owners' approval, borrow money and pledge  
1448 association assets as collateral to fund emergency repairs and  
1449 carry out the duties of the association when operating funds are  
1450 insufficient. This paragraph does not limit the general

12-00203B-21

2021630\_\_

1451 authority of the association to borrow money, subject to such  
1452 restrictions as are contained in the declaration of condominium,  
1453 articles, or bylaws of the association.

1454 (2) The special powers authorized under subsection (1)  
1455 shall be limited to that time reasonably necessary to protect  
1456 the health, safety, and welfare of the association and the unit  
1457 owners and the unit owners' family members, tenants, guests,  
1458 agents, or invitees and shall be reasonably necessary to  
1459 mitigate further damage, injury, or contagion and make emergency  
1460 repairs.

1461 (3) Notwithstanding paragraphs (1)(f)-(i), during a state  
1462 of emergency declared by executive order or proclamation of the  
1463 Governor pursuant to s. 252.36, an association may not prohibit  
1464 unit owners, tenants, guests, agents, or invitees of a unit  
1465 owner from accessing the unit and the common elements and  
1466 limited common elements appurtenant thereto for the purposes of  
1467 ingress to and egress from the unit and when access is necessary  
1468 in connection with:

1469 (a) The sale, lease, or other transfer of title of a unit;  
1470 or

1471 (b) The habitability of the unit or for the health and  
1472 safety of such person unless a governmental order or  
1473 determination, or a public health directive from the Centers for  
1474 Disease Control and Prevention, has been issued prohibiting such  
1475 access to the unit. Any such access is subject to reasonable  
1476 restrictions adopted by the association.

1477 Section 10. Subsection (3) of section 718.202, Florida  
1478 Statutes, is amended to read:

1479 718.202 Sales or reservation deposits prior to closing.—

12-00203B-21

2021630\_\_

1480 (3) If the contract for sale of the condominium unit so  
1481 provides, the developer may withdraw escrow funds in excess of  
1482 10 percent of the purchase price from the special account  
1483 required by subsection (2) when the construction of improvements  
1484 has begun. He or she may use the funds for the actual costs  
1485 incurred by the developer in the ~~actual~~ construction and  
1486 development of the condominium property in which the unit to be  
1487 sold is located. For purposes of this subsection, the term  
1488 "actual costs" includes, but is not limited to, expenditures for  
1489 demolition, site clearing, permit fees, impact fees, and utility  
1490 reservation fees, as well as architectural, engineering, and  
1491 surveying fees that directly relate to construction and  
1492 development of the condominium property. However, no part of  
1493 these funds may be used for salaries, commissions, or expenses  
1494 of salespersons; ~~or~~ for advertising, marketing, or promotional  
1495 purposes; or for loan fees and costs, principal and interest on  
1496 loans, attorney fees, accounting fees, or insurance costs. A  
1497 contract which permits use of the advance payments for these  
1498 purposes shall include the following legend conspicuously  
1499 printed or stamped in boldfaced type on the first page of the  
1500 contract and immediately above the place for the signature of  
1501 the buyer: ANY PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE  
1502 PRICE MADE TO DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS  
1503 CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE DEVELOPER.

1504 Section 11. Subsection (1) and paragraph (b) of subsection  
1505 (3) of section 718.303, Florida Statutes, are amended to read:

1506 718.303 Obligations of owners and occupants; remedies.—

1507 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
1508 ~~each~~ association is governed by, and must comply with the

12-00203B-21

2021630\_\_

1509 provisions of, this chapter, the declaration, the documents  
1510 creating the association, and the association bylaws which are  
1511 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
1512 Actions at law or in equity ~~for damages or for injunctive~~  
1513 ~~relief~~, or both, for failure to comply with these provisions may  
1514 be brought by the association or by a unit owner against:

1515 (a) The association.

1516 (b) A unit owner.

1517 (c) Directors designated by the developer, for actions  
1518 taken by them before control of the association is assumed by  
1519 unit owners other than the developer.

1520 (d) Any director who willfully and knowingly fails to  
1521 comply with these provisions.

1522 (e) Any tenant leasing a unit, and any other invitee  
1523 occupying a unit.

1524

1525 The prevailing party in any such action or in any action in  
1526 which the purchaser claims a right of voidability based upon  
1527 contractual provisions as required in s. 718.503(1)(a) is  
1528 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
1529 owner prevailing in an action between the association and the  
1530 unit owner under this subsection ~~section~~, in addition to  
1531 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
1532 recover additional amounts as determined by the court to be  
1533 necessary to reimburse the unit owner for his or her share of  
1534 assessments levied by the association to fund its expenses of  
1535 the litigation. This relief does not exclude other remedies  
1536 provided by law. Actions arising under this subsection are not  
1537 considered ~~may not be deemed to be~~ actions for specific

12-00203B-21

2021630\_\_

1538 performance.

1539 (3) The association may levy reasonable fines for the  
1540 failure of the owner of the unit or its occupant, licensee, or  
1541 invitee to comply with any provision of the declaration, the  
1542 association bylaws, or reasonable rules of the association. A  
1543 fine may not become a lien against a unit. A fine may be levied  
1544 by the board on the basis of each day of a continuing violation,  
1545 with a single notice and opportunity for hearing before a  
1546 committee as provided in paragraph (b). However, the fine may  
1547 not exceed \$100 per violation, or \$1,000 in the aggregate.

1548 (b) A fine or suspension levied by the board of  
1549 administration may not be imposed unless the board first  
1550 provides at least 14 days' written notice to the unit owner and,  
1551 if applicable, any tenant ~~occupant~~, licensee, or invitee of the  
1552 unit owner sought to be fined or suspended, and an opportunity  
1553 for a hearing before a committee of at least three members  
1554 appointed by the board who are not officers, directors, or  
1555 employees of the association, or the spouse, parent, child,  
1556 brother, or sister of an officer, director, or employee. The  
1557 role of the committee is limited to determining whether to  
1558 confirm or reject the fine or suspension levied by the board. If  
1559 the committee does not approve the proposed fine or suspension  
1560 by majority vote, the fine or suspension may not be imposed. If  
1561 the proposed fine or suspension is approved by the committee,  
1562 the fine payment is due 5 days after notice of the approved fine  
1563 is provided to the unit owner and, if applicable, to any tenant,  
1564 licensee, or invitee of the unit owner ~~the date of the committee~~  
1565 ~~meeting at which the fine is approved~~. The association must  
1566 provide written notice of such fine or suspension by mail or

12-00203B-21

2021630\_\_

1567 hand delivery to the unit owner and, if applicable, to any  
1568 tenant, licensee, or invitee of the unit owner.

1569 Section 12. Subsection (5) is added to section 718.405,  
1570 Florida Statutes, to read:

1571 718.405 Multicondominiums; multicondominium associations.—

1572 (5) This section does not prevent or restrict a  
1573 multicondominium association from adopting a consolidated or  
1574 combined declaration of condominium if such declaration complies  
1575 with s. 718.104 and does not serve to merge the condominiums or  
1576 change the legal descriptions of the condominium parcels as set  
1577 forth in s. 718.109, unless accomplished in accordance with law.  
1578 This section is intended to clarify existing law and applies to  
1579 associations existing on July 1, 2021.

1580 Section 13. Section 718.501, Florida Statutes, is amended  
1581 to read:

1582 718.501 Authority, responsibility, and duties of Division  
1583 of Florida Condominiums, Timeshares, and Mobile Homes.—

1584 (1) As used in this section, the term "financial issue"  
1585 means an issue related to operating budgets; reserve schedules;  
1586 accounting records maintained under s. 718.111(12)(a)11.;  
1587 notices of budget meetings and minutes of meetings discussing  
1588 budget or financial issues; assessments for common expenses,  
1589 fees, or fines; the commingling of funds; and any other record  
1590 necessary to determine the revenues and expenses of the  
1591 association. The division may adopt rules to further specify  
1592 what is included within the meaning of the term.

1593 (2)~~(1)~~ The division may enforce and ensure compliance with  
1594 ~~the provisions of~~ this chapter and rules relating to the  
1595 development, construction, sale, lease, ownership, operation,

12-00203B-21

2021630\_\_

1596 and management of residential condominium units. In performing  
1597 its duties, the division has complete jurisdiction to  
1598 investigate complaints and enforce compliance with respect to  
1599 associations that are still under developer control or the  
1600 control of a bulk assignee or bulk buyer pursuant to part VII of  
1601 this chapter and complaints against developers, bulk assignees,  
1602 or bulk buyers involving improper turnover or failure to  
1603 turnover, pursuant to s. 718.301. However, after turnover has  
1604 occurred, the division has jurisdiction to investigate  
1605 complaints related only to financial issues, elections, and the  
1606 maintenance of and unit owner access to association records  
1607 under ~~pursuant to~~ s. 718.111(12).

1608 (a)1. The division may make necessary public or private  
1609 investigations within or outside this state to determine whether  
1610 any person has violated this chapter or any rule or order  
1611 hereunder, to aid in the enforcement of this chapter, or to aid  
1612 in the adoption of rules or forms.

1613 2. The division may submit any official written report,  
1614 worksheet, or other related paper, or a duly certified copy  
1615 thereof, compiled, prepared, drafted, or otherwise made by and  
1616 duly authenticated by a financial examiner or analyst to be  
1617 admitted as competent evidence in any hearing in which the  
1618 financial examiner or analyst is available for cross-examination  
1619 and attests under oath that such documents were prepared as a  
1620 result of an examination or inspection conducted pursuant to  
1621 this chapter.

1622 (b) The division may require or permit any person to file a  
1623 statement in writing, under oath or otherwise, as the division  
1624 determines, as to the facts and circumstances concerning a



12-00203B-21

2021630\_\_

1625 matter to be investigated.

1626 (c) For the purpose of any investigation under this  
1627 chapter, the division director or any officer or employee  
1628 designated by the division director may administer oaths or  
1629 affirmations, subpoena witnesses and compel their attendance,  
1630 take evidence, and require the production of any matter which is  
1631 relevant to the investigation, including the existence,  
1632 description, nature, custody, condition, and location of any  
1633 books, documents, or other tangible things and the identity and  
1634 location of persons having knowledge of relevant facts or any  
1635 other matter reasonably calculated to lead to the discovery of  
1636 material evidence. Upon the failure by a person to obey a  
1637 subpoena or to answer questions propounded by the investigating  
1638 officer and upon reasonable notice to all affected persons, the  
1639 division may apply to the circuit court for an order compelling  
1640 compliance.

1641 (d) Notwithstanding any remedies available to unit owners  
1642 and associations, if the division has reasonable cause to  
1643 believe that a violation of any provision of this chapter or  
1644 related rule has occurred, the division may institute  
1645 enforcement proceedings in its own name against any developer,  
1646 bulk assignee, bulk buyer, association, officer, or member of  
1647 the board of administration, or its assignees or agents, as  
1648 follows:

1649 1. The division may permit a person whose conduct or  
1650 actions may be under investigation to waive formal proceedings  
1651 and enter into a consent proceeding whereby orders, rules, or  
1652 letters of censure or warning, whether formal or informal, may  
1653 be entered against the person.

12-00203B-21

2021630\_\_

1654           2. The division may issue an order requiring the developer,  
1655 bulk assignee, bulk buyer, association, developer-designated  
1656 officer, or developer-designated member of the board of  
1657 administration, developer-designated assignees or agents, bulk  
1658 assignee-designated assignees or agents, bulk buyer-designated  
1659 assignees or agents, community association manager, or community  
1660 association management firm to cease and desist from the  
1661 unlawful practice and take such affirmative action as in the  
1662 judgment of the division carry out the purposes of this chapter.  
1663 If the division finds that a developer, bulk assignee, bulk  
1664 buyer, association, officer, or member of the board of  
1665 administration, or its assignees or agents, is violating or is  
1666 about to violate any provision of this chapter, any rule adopted  
1667 or order issued by the division, or any written agreement  
1668 entered into with the division, and presents an immediate danger  
1669 to the public requiring an immediate final order, it may issue  
1670 an emergency cease and desist order reciting with particularity  
1671 the facts underlying such findings. The emergency cease and  
1672 desist order is effective for 90 days. If the division begins  
1673 nonemergency cease and desist proceedings, the emergency cease  
1674 and desist order remains effective until the conclusion of the  
1675 proceedings under ss. 120.569 and 120.57.

1676           3. If a developer, bulk assignee, or bulk buyer, fails to  
1677 pay any restitution determined by the division to be owed, plus  
1678 any accrued interest at the highest rate permitted by law,  
1679 within 30 days after expiration of any appellate time period of  
1680 a final order requiring payment of restitution or the conclusion  
1681 of any appeal thereof, whichever is later, the division must  
1682 bring an action in circuit or county court on behalf of any

12-00203B-21

2021630\_\_

1683 association, class of unit owners, lessees, or purchasers for  
1684 restitution, declaratory relief, injunctive relief, or any other  
1685 available remedy. The division may also temporarily revoke its  
1686 acceptance of the filing for the developer to which the  
1687 restitution relates until payment of restitution is made.

1688 4. The division may petition the court for appointment of a  
1689 receiver or conservator. If appointed, the receiver or  
1690 conservator may take action to implement the court order to  
1691 ensure the performance of the order and to remedy any breach  
1692 thereof. In addition to all other means provided by law for the  
1693 enforcement of an injunction or temporary restraining order, the  
1694 circuit court may impound or sequester the property of a party  
1695 defendant, including books, papers, documents, and related  
1696 records, and allow the examination and use of the property by  
1697 the division and a court-appointed receiver or conservator.

1698 5. The division may apply to the circuit court for an order  
1699 of restitution whereby the defendant in an action brought under  
1700 ~~pursuant to~~ subparagraph 4. is ordered to make restitution of  
1701 those sums shown by the division to have been obtained by the  
1702 defendant in violation of this chapter. At the option of the  
1703 court, such restitution is payable to the conservator or  
1704 receiver appointed under ~~pursuant to~~ subparagraph 4. or directly  
1705 to the persons whose funds or assets were obtained in violation  
1706 of this chapter.

1707 6. The division may impose a civil penalty against a  
1708 developer, bulk assignee, or bulk buyer, or association, or its  
1709 assignee or agent, for any violation of this chapter or related  
1710 rule. The division may impose a civil penalty individually  
1711 against an officer or board member who willfully and knowingly

12-00203B-21

2021630\_\_

1712 violates a ~~provision~~ of this chapter, adopted rule, or a final  
1713 order of the division; may order the removal of such individual  
1714 as an officer or from the board of administration or as an  
1715 officer of the association; and may prohibit such individual  
1716 from serving as an officer or on the board of a community  
1717 association for a period of time. The term "willfully and  
1718 knowingly" means that the division informed the officer or board  
1719 member that his or her action or intended action violates this  
1720 chapter, a rule adopted under this chapter, or a final order of  
1721 the division and that the officer or board member refused to  
1722 comply with the requirements of this chapter, a rule adopted  
1723 under this chapter, or a final order of the division. The  
1724 division, before initiating formal agency action under chapter  
1725 120, must afford the officer or board member an opportunity to  
1726 voluntarily comply, and an officer or board member who complies  
1727 within 10 days is not subject to a civil penalty. A penalty may  
1728 be imposed on the basis of each day of continuing violation, but  
1729 the penalty for any offense may not exceed \$5,000. ~~By January 1,~~  
1730 ~~1998,~~ The division shall adopt, by rule, penalty guidelines  
1731 applicable to possible violations or to categories of violations  
1732 of this chapter or rules adopted by the division. The guidelines  
1733 must specify a meaningful range of civil penalties for each such  
1734 violation of the statute and rules and must be based upon the  
1735 harm caused by the violation, the repetition of the violation,  
1736 and upon such other factors deemed relevant by the division. For  
1737 example, the division may consider whether the violations were  
1738 committed by a developer, bulk assignee, or bulk buyer, or  
1739 owner-controlled association, the size of the association, and  
1740 other factors. The guidelines must designate the possible

12-00203B-21

2021630\_\_

1741 mitigating or aggravating circumstances that justify a departure  
1742 from the range of penalties provided by the rules. It is the  
1743 legislative intent that minor violations be distinguished from  
1744 those which endanger the health, safety, or welfare of the  
1745 condominium residents or other persons and that such guidelines  
1746 provide reasonable and meaningful notice to the public of likely  
1747 penalties that may be imposed for proscribed conduct. This  
1748 subsection does not limit the ability of the division to  
1749 informally dispose of administrative actions or complaints by  
1750 stipulation, agreed settlement, or consent order. All amounts  
1751 collected shall be deposited with the Chief Financial Officer to  
1752 the credit of the Division of Florida Condominiums, Timeshares,  
1753 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
1754 bulk buyer fails to pay the civil penalty and the amount deemed  
1755 to be owed to the association, the division shall issue an order  
1756 directing that such developer, bulk assignee, or bulk buyer  
1757 cease and desist from further operation until such time as the  
1758 civil penalty is paid or may pursue enforcement of the penalty  
1759 in a court of competent jurisdiction. If an association fails to  
1760 pay the civil penalty, the division shall pursue enforcement in  
1761 a court of competent jurisdiction, and the order imposing the  
1762 civil penalty or the cease and desist order is not effective  
1763 until 20 days after the date of such order. Any action commenced  
1764 by the division shall be brought in the county in which the  
1765 division has its executive offices or in the county where the  
1766 violation occurred.

1767       7. If a unit owner presents the division with proof that  
1768 the unit owner has requested access to official records in  
1769 writing by certified mail, and that after 10 days the unit owner

12-00203B-21

2021630\_\_

1770 again made the same request for access to official records in  
1771 writing by certified mail, and that more than 10 days has  
1772 elapsed since the second request and the association has still  
1773 failed or refused to provide access to official records as  
1774 required by this chapter, the division shall issue a subpoena  
1775 requiring production of the requested records where the records  
1776 are kept pursuant to s. 718.112.

1777 8. In addition to subparagraph 6., the division may seek  
1778 the imposition of a civil penalty through the circuit court for  
1779 any violation for which the division may issue a notice to show  
1780 cause under paragraph (r). The civil penalty shall be at least  
1781 \$500 but no more than \$5,000 for each violation. The court may  
1782 also award to the prevailing party court costs and reasonable  
1783 attorney ~~attorney's~~ fees and, if the division prevails, may also  
1784 award reasonable costs of investigation.

1785 (e) The division may prepare and disseminate a prospectus  
1786 and other information to assist prospective owners, purchasers,  
1787 lessees, and developers of residential condominiums in assessing  
1788 the rights, privileges, and duties pertaining thereto.

1789 (f) The division may adopt rules to administer and enforce  
1790 ~~the provisions of~~ this chapter.

1791 (g) The division shall establish procedures for providing  
1792 notice to an association and the developer, bulk assignee, or  
1793 bulk buyer during the period in which the developer, bulk  
1794 assignee, or bulk buyer controls the association if the division  
1795 is considering the issuance of a declaratory statement with  
1796 respect to the declaration of condominium or any related  
1797 document governing such condominium community.

1798 (h) The division shall furnish each association that pays

12-00203B-21

2021630\_\_

1799 the fees required by paragraph (3) (a) ~~(2) (a)~~ a copy of this  
1800 chapter, as amended, and the rules adopted thereto on an annual  
1801 basis.

1802 (i) The division shall annually provide each association  
1803 with a summary of declaratory statements and formal legal  
1804 opinions relating to the operations of condominiums which were  
1805 rendered by the division during the previous year.

1806 (j) The division shall provide training and educational  
1807 programs for condominium association board members and unit  
1808 owners. The training may, in the division's discretion, include  
1809 web-based electronic media, and live training and seminars in  
1810 various locations throughout the state. The division may review  
1811 and approve education and training programs for board members  
1812 and unit owners offered by providers and shall maintain a  
1813 current list of approved programs and providers and make such  
1814 list available to board members and unit owners in a reasonable  
1815 and cost-effective manner. The division may adopt rules to  
1816 establish requirements for such training and educational  
1817 programs.

1818 (k) The division shall maintain a toll-free telephone  
1819 number accessible to condominium unit owners.

1820 (l) The division shall develop a program to certify both  
1821 volunteer and paid mediators to provide mediation of condominium  
1822 disputes. The division shall provide, upon request, a list of  
1823 such mediators to any association, unit owner, or other  
1824 participant in alternative dispute resolution ~~arbitration~~  
1825 proceedings under s. 718.1255 requesting a copy of the list. The  
1826 division shall include on the list of volunteer mediators only  
1827 the names of persons who have received at least 20 hours of

12-00203B-21

2021630\_\_

1828 training in mediation techniques or who have mediated at least  
1829 20 disputes. In order to become initially certified by the  
1830 division, paid mediators must be certified by the Supreme Court  
1831 to mediate court cases in county or circuit courts. However, the  
1832 division may adopt, by rule, additional factors for the  
1833 certification of paid mediators, which must be related to  
1834 experience, education, or background. Any person initially  
1835 certified as a paid mediator by the division must, in order to  
1836 continue to be certified, comply with the factors or  
1837 requirements adopted by rule.

1838 (m) If a complaint is made, the division must conduct its  
1839 inquiry with due regard for the interests of the affected  
1840 parties. Within 30 days after receipt of a complaint, the  
1841 division shall acknowledge the complaint in writing and notify  
1842 the complainant whether the complaint is within the jurisdiction  
1843 of the division and whether additional information is needed by  
1844 the division from the complainant. The division shall conduct  
1845 its investigation and, within 90 days after receipt of the  
1846 original complaint or of timely requested additional  
1847 information, take action upon the complaint. However, the  
1848 failure to complete the investigation within 90 days does not  
1849 prevent the division from continuing the investigation,  
1850 accepting or considering evidence obtained or received after 90  
1851 days, or taking administrative action if reasonable cause exists  
1852 to believe that a violation of this chapter or a rule has  
1853 occurred. If an investigation is not completed within the time  
1854 limits established in this paragraph, the division shall, on a  
1855 monthly basis, notify the complainant in writing of the status  
1856 of the investigation. When reporting its action to the



12-00203B-21

2021630\_\_

1857 complainant, the division shall inform the complainant of any  
1858 right to a hearing under ~~pursuant to~~ ss. 120.569 and 120.57.

1859 (n) Condominium association directors, officers, and  
1860 employees; condominium developers; bulk assignees, bulk buyers,  
1861 and community association managers; and community association  
1862 management firms have an ongoing duty to reasonably cooperate  
1863 with the division in any investigation under ~~pursuant to~~ this  
1864 section. The division shall refer to local law enforcement  
1865 authorities any person whom the division believes has altered,  
1866 destroyed, concealed, or removed any record, document, or thing  
1867 required to be kept or maintained by this chapter with the  
1868 purpose to impair its verity or availability in the department's  
1869 investigation.

1870 (o) The division may:

- 1871 1. Contract with agencies in this state or other  
1872 jurisdictions to perform investigative functions; or  
1873 2. Accept grants-in-aid from any source.

1874 (p) The division shall cooperate with similar agencies in  
1875 other jurisdictions to establish uniform filing procedures and  
1876 forms, public offering statements, advertising standards, and  
1877 rules and common administrative practices.

1878 (q) The division shall consider notice to a developer, bulk  
1879 assignee, or bulk buyer to be complete when it is delivered to  
1880 the address of the developer, bulk assignee, or bulk buyer  
1881 currently on file with the division.

1882 (r) In addition to its enforcement authority, the division  
1883 may issue a notice to show cause, which must provide for a  
1884 hearing, upon written request, in accordance with chapter 120.

1885 (s) The division shall submit to the Governor, the

12-00203B-21

2021630\_\_

1886 President of the Senate, the Speaker of the House of  
1887 Representatives, and the chairs of the legislative  
1888 appropriations committees an annual report that includes, but  
1889 need not be limited to, the number of training programs provided  
1890 for condominium association board members and unit owners, the  
1891 number of complaints received by type, the number and percent of  
1892 complaints acknowledged in writing within 30 days and the number  
1893 and percent of investigations acted upon within 90 days in  
1894 accordance with paragraph (m), and the number of investigations  
1895 exceeding the 90-day requirement. The annual report must also  
1896 include an evaluation of the division's core business processes  
1897 and make recommendations for improvements, including statutory  
1898 changes. The report shall be submitted by September 30 following  
1899 the end of the fiscal year.

1900 (3) (a) ~~(2) (a)~~ Each condominium association which operates  
1901 more than two units shall pay to the division an annual fee in  
1902 the amount of \$4 for each residential unit in condominiums  
1903 operated by the association. If the fee is not paid by March 1,  
1904 the association shall be assessed a penalty of 10 percent of the  
1905 amount due, and the association will not have standing to  
1906 maintain or defend any action in the courts of this state until  
1907 the amount due, plus any penalty, is paid.

1908 (b) All fees shall be deposited in the Division of Florida  
1909 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
1910 provided by law.

1911 Section 14. Section 718.5014, Florida Statutes, is amended  
1912 to read:

1913 718.5014 Ombudsman location.—The ombudsman shall maintain  
1914 his or her principal office in a ~~Leon County on the premises of~~

12-00203B-21

2021630\_\_

1915 ~~the division or, if suitable space cannot be provided there, at~~  
1916 ~~another~~ place convenient to the offices of the division which  
1917 will enable the ombudsman to expeditiously carry out the duties  
1918 and functions of his or her office. The ombudsman may establish  
1919 branch offices elsewhere in the state upon the concurrence of  
1920 the Governor.

1921 Section 15. Subsection (25) of section 719.103, Florida  
1922 Statutes, is amended to read:

1923 719.103 Definitions.—As used in this chapter:

1924 (25) "Unit" means a part of the cooperative property which  
1925 is subject to exclusive use and possession. A unit may be  
1926 improvements, land, or land and improvements together, as  
1927 specified in the cooperative documents. An interest in a unit is  
1928 an interest in real property.

1929 Section 16. Paragraph (c) of subsection (2) of section  
1930 719.104, Florida Statutes, is amended to read:

1931 719.104 Cooperatives; access to units; records; financial  
1932 reports; assessments; purchase of leases.—

1933 (2) OFFICIAL RECORDS.—

1934 (c)The official records of the association are open to  
1935 inspection by any association member or the authorized  
1936 representative of such member at all reasonable times. The right  
1937 to inspect the records includes the right to make or obtain  
1938 copies, at the reasonable expense, if any, of the association  
1939 member. The association may adopt reasonable rules regarding the  
1940 frequency, time, location, notice, and manner of record  
1941 inspections and copying, but may not require a member to  
1942 demonstrate any purpose or state any reason for the inspection.  
1943 The failure of an association to provide the records within 10

12-00203B-21

2021630\_\_

1944 working days after receipt of a written request creates a  
1945 rebuttable presumption that the association willfully failed to  
1946 comply with this paragraph. A member ~~unit-owner~~ who is denied  
1947 access to official records is entitled to the actual damages or  
1948 minimum damages for the association's willful failure to comply.  
1949 The minimum damages are \$50 per calendar day for up to 10 days,  
1950 beginning on the 11th working day after receipt of the written  
1951 request. The failure to permit inspection entitles any person  
1952 prevailing in an enforcement action to recover reasonable  
1953 attorney fees from the person in control of the records who,  
1954 directly or indirectly, knowingly denied access to the records.  
1955 Any person who knowingly or intentionally defaces or destroys  
1956 accounting records that are required by this chapter to be  
1957 maintained during the period for which such records are required  
1958 to be maintained, or who knowingly or intentionally fails to  
1959 create or maintain accounting records that are required to be  
1960 created or maintained, with the intent of causing harm to the  
1961 association or one or more of its members, is personally subject  
1962 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
1963 association shall maintain an adequate number of copies of the  
1964 declaration, articles of incorporation, bylaws, and rules, and  
1965 all amendments to each of the foregoing, as well as the question  
1966 and answer sheet as described in s. 719.504 and year-end  
1967 financial information required by the department, on the  
1968 cooperative property to ensure their availability to members  
1969 ~~unit-owners~~ and prospective purchasers, and may charge its  
1970 actual costs for preparing and furnishing these documents to  
1971 those requesting the same. An association shall allow a member  
1972 or his or her authorized representative to use a portable

12-00203B-21

2021630\_\_

1973 device, including a smartphone, tablet, portable scanner, or any  
1974 other technology capable of scanning or taking photographs, to  
1975 make an electronic copy of the official records in lieu of the  
1976 association providing the member or his or her authorized  
1977 representative with a copy of such records. The association may  
1978 not charge a member or his or her authorized representative for  
1979 the use of a portable device. Notwithstanding this paragraph,  
1980 the following records shall not be accessible to members ~~unit~~  
1981 ~~owners~~:

1982         1. Any record protected by the lawyer-client privilege as  
1983 described in s. 90.502 and any record protected by the work-  
1984 product privilege, including any record prepared by an  
1985 association attorney or prepared at the attorney's express  
1986 direction which reflects a mental impression, conclusion,  
1987 litigation strategy, or legal theory of the attorney or the  
1988 association, and which was prepared exclusively for civil or  
1989 criminal litigation or for adversarial administrative  
1990 proceedings, or which was prepared in anticipation of such  
1991 litigation or proceedings until the conclusion of the litigation  
1992 or proceedings.

1993         2. Information obtained by an association in connection  
1994 with the approval of the lease, sale, or other transfer of a  
1995 unit.

1996         3. Personnel records of association or management company  
1997 employees, including, but not limited to, disciplinary, payroll,  
1998 health, and insurance records. For purposes of this  
1999 subparagraph, the term "personnel records" does not include  
2000 written employment agreements with an association employee or  
2001 management company, or budgetary or financial records that

12-00203B-21

2021630\_\_

2002 indicate the compensation paid to an association employee.

2003 4. Medical records of unit owners.

2004 5. Social security numbers, driver license numbers, credit  
2005 card numbers, e-mail addresses, telephone numbers, facsimile  
2006 numbers, emergency contact information, addresses of a unit  
2007 owner other than as provided to fulfill the association's notice  
2008 requirements, and other personal identifying information of any  
2009 person, excluding the person's name, unit designation, mailing  
2010 address, property address, and any address, e-mail address, or  
2011 facsimile number provided to the association to fulfill the  
2012 association's notice requirements. Notwithstanding the  
2013 restrictions in this subparagraph, an association may print and  
2014 distribute to unit ~~parcel~~ owners a directory containing the  
2015 name, unit ~~parcel~~ address, and all telephone numbers of each  
2016 unit ~~parcel~~ owner. However, an owner may exclude his or her  
2017 telephone numbers from the directory by so requesting in writing  
2018 to the association. An owner may consent in writing to the  
2019 disclosure of other contact information described in this  
2020 subparagraph. The association is not liable for the inadvertent  
2021 disclosure of information that is protected under this  
2022 subparagraph if the information is included in an official  
2023 record of the association and is voluntarily provided by an  
2024 owner and not requested by the association.

2025 6. Electronic security measures that are used by the  
2026 association to safeguard data, including passwords.

2027 7. The software and operating system used by the  
2028 association which allow the manipulation of data, even if the  
2029 owner owns a copy of the same software used by the association.  
2030 The data is part of the official records of the association.

12-00203B-21

2021630\_\_

2031 Section 17. Paragraphs (b), (f), and (l) of subsection (1)  
2032 of section 719.106, Florida Statutes, are amended, and  
2033 subsection (3) is added to that section, to read:

2034 719.106 Bylaws; cooperative ownership.—

2035 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2036 documents shall provide for the following, and if they do not,  
2037 they shall be deemed to include the following:

2038 (b) *Quorum; voting requirements; proxies.*—

2039 1. Unless otherwise provided in the bylaws, the percentage  
2040 of voting interests required to constitute a quorum at a meeting  
2041 of the members shall be a majority of voting interests, and  
2042 decisions shall be made by owners of a majority of the voting  
2043 interests. Unless otherwise provided in this chapter, or in the  
2044 articles of incorporation, bylaws, or other cooperative  
2045 documents, and except as provided in subparagraph (d)1.,  
2046 decisions shall be made by owners of a majority of the voting  
2047 interests represented at a meeting at which a quorum is present.

2048 2. Except as specifically otherwise provided herein, after  
2049 January 1, 1992, unit owners may not vote by general proxy, but  
2050 may vote by limited proxies substantially conforming to a  
2051 limited proxy form adopted by the division. Limited proxies and  
2052 general proxies may be used to establish a quorum. Limited  
2053 proxies shall be used for votes taken to waive or reduce  
2054 reserves in accordance with subparagraph (j)2., for votes taken  
2055 to waive the financial reporting requirements of s.

2056 719.104(4)(b), for votes taken to amend the articles of  
2057 incorporation or bylaws pursuant to this section, and for any  
2058 other matter for which this chapter requires or permits a vote  
2059 of the unit owners. Except as provided in paragraph (d), after

12-00203B-21

2021630\_\_

2060 January 1, 1992, no proxy, limited or general, shall be used in  
2061 the election of board members. General proxies may be used for  
2062 other matters for which limited proxies are not required, and  
2063 may also be used in voting for nonsubstantive changes to items  
2064 for which a limited proxy is required and given. Notwithstanding  
2065 the provisions of this section, unit owners may vote in person  
2066 at unit owner meetings. Nothing contained herein shall limit the  
2067 use of general proxies or require the use of limited proxies or  
2068 require the use of limited proxies for any agenda item or  
2069 election at any meeting of a timeshare cooperative.

2070 3. Any proxy given shall be effective only for the specific  
2071 meeting for which originally given and any lawfully adjourned  
2072 meetings thereof. In no event shall any proxy be valid for a  
2073 period longer than 90 days after the date of the first meeting  
2074 for which it was given. Every proxy shall be revocable at any  
2075 time at the pleasure of the unit owner executing it.

2076 4. A member of the board of administration or a committee  
2077 may submit in writing his or her agreement or disagreement with  
2078 any action taken at a meeting that the member did not attend.  
2079 This agreement or disagreement may not be used as a vote for or  
2080 against the action taken and may not be used for the purposes of  
2081 creating a quorum.

2082 5. A board member or committee member participating in a  
2083 meeting via telephone, real-time videoconferencing, or similar  
2084 real-time electronic or video communication counts toward a  
2085 quorum, and such member may vote as if physically present ~~When~~  
2086 ~~some or all of the board or committee members meet by telephone~~  
2087 ~~conference, those board or committee members attending by~~  
2088 ~~telephone conference may be counted toward obtaining a quorum~~



12-00203B-21

2021630\_\_

2089 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
2090 used ~~utilized~~ so that the conversation of such ~~those board or~~  
2091 ~~committee~~ members ~~attending by telephone~~ may be heard by the  
2092 board or committee members attending in person, as well as by  
2093 any unit owners present at a meeting.

2094 (f) *Recall of board members.*—Subject to s. 719.301, any  
2095 member of the board of administration may be recalled and  
2096 removed from office with or without cause by the vote or  
2097 agreement in writing by a majority of all the voting interests.  
2098 A special meeting of the voting interests to recall any member  
2099 of the board of administration may be called by 10 percent of  
2100 the unit owners giving notice of the meeting as required for a  
2101 meeting of unit owners, and the notice shall state the purpose  
2102 of the meeting. Electronic transmission may not be used as a  
2103 method of giving notice of a meeting called in whole or in part  
2104 for this purpose.

2105 1. If the recall is approved by a majority of all voting  
2106 interests by a vote at a meeting, the recall shall be effective  
2107 as provided in this paragraph. The board shall duly notice and  
2108 hold a board meeting within 5 full business days after the  
2109 adjournment of the unit owner meeting to recall one or more  
2110 board members. At the meeting, the board shall either certify  
2111 the recall, in which case such member or members shall be  
2112 recalled effective immediately and shall turn over to the board  
2113 within 5 full business days any and all records and property of  
2114 the association in their possession, or shall proceed as set  
2115 forth in subparagraph 3.

2116 2. If the proposed recall is by an agreement in writing by  
2117 a majority of all voting interests, the agreement in writing or

12-00203B-21

2021630\_\_

2118 a copy thereof shall be served on the association by certified  
2119 mail or by personal service in the manner authorized by chapter  
2120 48 and the Florida Rules of Civil Procedure. The board of  
2121 administration shall duly notice and hold a meeting of the board  
2122 within 5 full business days after receipt of the agreement in  
2123 writing. At the meeting, the board shall either certify the  
2124 written agreement to recall members of the board, in which case  
2125 such members shall be recalled effective immediately and shall  
2126 turn over to the board, within 5 full business days, any and all  
2127 records and property of the association in their possession, or  
2128 proceed as described in subparagraph 3.

2129 3. If the board determines not to certify the written  
2130 agreement to recall members of the board, or does not certify  
2131 the recall by a vote at a meeting, the board shall, within 5  
2132 full business days after the board meeting, file with the  
2133 division a petition for binding arbitration under ~~pursuant to~~  
2134 ~~the procedures of~~ s. 719.1255 or file an action with a court of  
2135 competent jurisdiction. For purposes of this paragraph, the unit  
2136 owners who voted at the meeting or who executed the agreement in  
2137 writing shall constitute one party under the petition for  
2138 arbitration or in a court action. If the arbitrator or court  
2139 certifies the recall as to any member of the board, the recall  
2140 ~~is shall be~~ effective upon the mailing of the final order of  
2141 arbitration to the association or the final order of the court.  
2142 If the association fails to comply with the order of the court  
2143 or the arbitrator, the division may take action under ~~pursuant~~  
2144 ~~to~~ s. 719.501. Any member so recalled shall deliver to the board  
2145 any and all records and property of the association in the  
2146 member's possession within 5 full business days after the

12-00203B-21

2021630\_\_

2147 effective date of the recall.

2148 4. If the board fails to duly notice and hold a board  
2149 meeting within 5 full business days after service of an  
2150 agreement in writing or within 5 full business days after the  
2151 adjournment of the unit owner recall meeting, the recall is  
2152 ~~shall be~~ deemed effective and the board members so recalled  
2153 shall immediately turn over to the board any and all records and  
2154 property of the association.

2155 5. If the board fails to duly notice and hold the required  
2156 meeting or fails to file the required petition or action, the  
2157 unit owner representative may file a petition under ~~pursuant to~~  
2158 s. 719.1255 or file an action in a court of competent  
2159 jurisdiction challenging the board's failure to act. The  
2160 petition or action must be filed within 60 days after the  
2161 expiration of the applicable 5-full-business-day period. The  
2162 review of a petition or action under this subparagraph is  
2163 limited to the sufficiency of service on the board and the  
2164 facial validity of the written agreement or ballots filed.

2165 6. If a vacancy occurs on the board as a result of a recall  
2166 and less than a majority of the board members are removed, the  
2167 vacancy may be filled by the affirmative vote of a majority of  
2168 the remaining directors, notwithstanding any provision to the  
2169 contrary contained in this chapter. If vacancies occur on the  
2170 board as a result of a recall and a majority or more of the  
2171 board members are removed, the vacancies shall be filled in  
2172 accordance with procedural rules to be adopted by the division,  
2173 which rules need not be consistent with this chapter. The rules  
2174 must provide procedures governing the conduct of the recall  
2175 election as well as the operation of the association during the

12-00203B-21

2021630\_\_

2176 period after a recall but before the recall election.

2177 7. A board member who has been recalled may file a petition  
2178 under ~~pursuant to~~ s. 719.1255 or file an action in a court of  
2179 competent jurisdiction challenging the validity of the recall.  
2180 The petition or action must be filed within 60 days after the  
2181 recall is deemed certified. The association and the unit owner  
2182 representative shall be named as the respondents.

2183 8. The division or court may not accept for filing a recall  
2184 petition or action, whether filed under ~~pursuant to~~ subparagraph  
2185 1., subparagraph 2., subparagraph 5., or subparagraph 7. and  
2186 regardless of whether the recall was certified, when there are  
2187 60 or fewer days until the scheduled reelection of the board  
2188 member sought to be recalled or when 60 or fewer days have not  
2189 elapsed since the election of the board member sought to be  
2190 recalled.

2191 (1) Alternative dispute resolution ~~Arbitration~~.—There shall  
2192 be a provision for alternative dispute resolution ~~mandatory~~  
2193 ~~nonbinding arbitration~~ of internal disputes arising from the  
2194 operation of the cooperative in accordance with s. 719.1255.

2195 (3) GENERALLY.—The association may extinguish a  
2196 discriminatory restriction as provided under s. 712.065.

2197 Section 18. Section 719.128, Florida Statutes, is amended  
2198 to read:

2199 719.128 Association emergency powers.—

2200 (1) To the extent allowed by law, unless specifically  
2201 prohibited by the cooperative documents, and consistent with s.  
2202 617.0830, the board of administration, in response to damage or  
2203 injury caused by or anticipated in connection with an emergency,  
2204 as defined in s. 252.34(4), ~~event~~ for which a state of emergency

12-00203B-21

2021630\_\_

2205 is declared pursuant to s. 252.36 in the area encompassed by the  
2206 cooperative, may exercise the following powers:

2207 (a) Conduct board meetings, committee meetings, elections,  
2208 or membership meetings, in whole or in part, by telephone, real-  
2209 time videoconferencing, or similar real-time electronic or video  
2210 communication after notice of the meetings and board decisions  
2211 is provided in as practicable a manner as possible, including  
2212 via publication, radio, United States mail, the Internet,  
2213 electronic transmission, public service announcements,  
2214 conspicuous posting on the cooperative property, or any other  
2215 means the board deems appropriate under the circumstances.  
2216 Notice of decisions may also be communicated as provided in this  
2217 paragraph.

2218 (b) Cancel and reschedule an association meeting.

2219 (c) Designate assistant officers who are not directors. If  
2220 the executive officer is incapacitated or unavailable, the  
2221 assistant officer has the same authority during the state of  
2222 emergency as the executive officer he or she assists.

2223 (d) Relocate the association's principal office or  
2224 designate an alternative principal office.

2225 (e) Enter into agreements with counties and municipalities  
2226 to assist counties and municipalities with debris removal.

2227 (f) Implement a disaster or an emergency plan before,  
2228 during, or ~~immediately~~ following the event for which a state of  
2229 emergency is declared, which may include turning on or shutting  
2230 off elevators; electricity; water, sewer, or security systems;  
2231 or air conditioners for association buildings.

2232 (g) Based upon the advice of emergency management officials  
2233 or public health officials, or upon the advice of licensed

12-00203B-21

2021630\_\_

2234 professionals retained by or otherwise available to the board of  
2235 administration, determine any portion of the cooperative  
2236 property unavailable for entry or occupancy by unit owners or  
2237 their family members, tenants, guests, agents, or invitees to  
2238 protect their health, safety, or welfare.

2239 (h) Based upon the advice of emergency management officials  
2240 or public health officials, or upon the advice of licensed  
2241 professionals retained by or otherwise available to the board of  
2242 administration, determine whether the cooperative property or  
2243 any portion thereof can be safely inhabited or occupied.  
2244 However, such determination is not conclusive as to any  
2245 determination of habitability pursuant to the cooperative  
2246 documents ~~declaration~~.

2247 (i) Require the evacuation of the cooperative property in  
2248 the event of a mandatory evacuation order in the area where the  
2249 cooperative is located or prohibit or restrict access to the  
2250 cooperative property in the event of a public health threat. If  
2251 a unit owner or other occupant of a cooperative fails to  
2252 evacuate the cooperative property for which the board has  
2253 required evacuation, the association is immune from liability  
2254 for injury to persons or property arising from such failure.

2255 (j) Mitigate further damage, injury, or contagion,  
2256 including taking action to contract for the removal of debris  
2257 and to prevent or mitigate the spread of fungus, including mold  
2258 or mildew, by removing and disposing of wet drywall, insulation,  
2259 carpet, cabinetry, or other fixtures on or within the  
2260 cooperative property, regardless of whether the unit owner is  
2261 obligated by the cooperative documents ~~declaration~~ or law to  
2262 insure or replace those fixtures and to remove personal property

12-00203B-21

2021630\_\_

2263 from a unit or to sanitize the cooperative property.

2264 (k) Contract, on behalf of a unit owner, for items or  
2265 services for which the owner is otherwise individually  
2266 responsible, but which are necessary to prevent further injury,  
2267 contagion, or damage to the cooperative property. In such event,  
2268 the unit owner on whose behalf the board has contracted is  
2269 responsible for reimbursing the association for the actual costs  
2270 of the items or services, and the association may use its lien  
2271 authority provided by s. 719.108 to enforce collection of the  
2272 charges. Such items or services may include the drying of the  
2273 unit, the boarding of broken windows or doors, ~~and~~ the  
2274 replacement of a damaged air conditioner or air handler to  
2275 provide climate control in the unit or other portions of the  
2276 property, and the sanitizing of the cooperative property.

2277 (l) Notwithstanding a provision to the contrary, and  
2278 regardless of whether such authority does not specifically  
2279 appear in the cooperative documents, levy special assessments  
2280 without a vote of the owners.

2281 (m) Without unit owners' approval, borrow money and pledge  
2282 association assets as collateral to fund emergency repairs and  
2283 carry out the duties of the association if operating funds are  
2284 insufficient. This paragraph does not limit the general  
2285 authority of the association to borrow money, subject to such  
2286 restrictions contained in the cooperative documents.

2287 (2) The authority granted under subsection (1) is limited  
2288 to that time reasonably necessary to protect the health, safety,  
2289 and welfare of the association and the unit owners and their  
2290 family members, tenants, guests, agents, or invitees, and to  
2291 mitigate further damage, injury, or contagion and make emergency

12-00203B-21

2021630\_\_

2292 repairs.

2293 (3) Notwithstanding paragraphs (1)(f)-(i), during a state  
2294 of emergency declared by executive order or proclamation of the  
2295 Governor pursuant to s. 252.36, an association may not prohibit  
2296 unit owners, tenants, guests, agents, or invitees of a unit  
2297 owner from accessing the common elements and limited common  
2298 elements appurtenant thereto for the purposes of ingress to and  
2299 egress from the unit when access is necessary in connection  
2300 with:

2301 (a) The sale, lease, or other transfer of title of a unit;  
2302 or

2303 (b) The habitability of the unit or for the health and  
2304 safety of such person unless a governmental order or  
2305 determination, or a public health directive from the Centers for  
2306 Disease Control and Prevention, has been issued prohibiting such  
2307 access to the unit. Any such access is subject to reasonable  
2308 restrictions adopted by the association.

2309 Section 19. Subsection (8) of section 720.301, Florida  
2310 Statutes, is amended to read:

2311 720.301 Definitions.—As used in this chapter, the term:

2312 (8) "Governing documents" means:

2313 (a) The recorded declaration of covenants for a community  
2314 and all duly adopted and recorded amendments, supplements, and  
2315 recorded exhibits thereto; and

2316 (b) The articles of incorporation and bylaws of the  
2317 homeowners' association and any duly adopted amendments thereto;  
2318 ~~and~~

2319 ~~(c) Rules and regulations adopted under the authority of~~  
2320 ~~the recorded declaration, articles of incorporation, or bylaws~~



12-00203B-21

2021630\_\_

2321 ~~and duly adopted amendments thereto.~~

2322 Section 20. Present paragraph (1) of subsection (4) of  
2323 section 720.303, Florida Statutes, is redesignated as paragraph  
2324 (m) and amended, a new paragraph (1) is added to that  
2325 subsection, and paragraph (c) of subsection (2), paragraphs (c)  
2326 and (d) of subsection (6), and paragraphs (b), (d), (g), (k),  
2327 and (l) of subsection (10) are amended, to read:

2328 720.303 Association powers and duties; meetings of board;  
2329 official records; budgets; financial reporting; association  
2330 funds; recalls.—

2331 (2) BOARD MEETINGS.—

2332 (c) The bylaws shall provide the following for giving  
2333 notice to parcel owners and members of all board meetings and,  
2334 if they do not do so, shall be deemed to include the following:

2335 1. Notices of all board meetings must be posted in a  
2336 conspicuous place in the community at least 48 hours in advance  
2337 of a meeting, except in an emergency. In the alternative, if  
2338 notice is not posted in a conspicuous place in the community,  
2339 notice of each board meeting must be mailed or delivered to each  
2340 member at least 7 days before the meeting, except in an  
2341 emergency. Notwithstanding this general notice requirement, for  
2342 communities with more than 100 members, the association bylaws  
2343 may provide for a reasonable alternative to posting or mailing  
2344 of notice for each board meeting, including publication of  
2345 notice, provision of a schedule of board meetings, or the  
2346 conspicuous posting and repeated broadcasting of the notice on a  
2347 closed-circuit cable television system serving the homeowners'  
2348 association. However, if broadcast notice is used in lieu of a  
2349 notice posted physically in the community, the notice must be

12-00203B-21

2021630\_\_

2350 broadcast at least four times every broadcast hour of each day  
2351 that a posted notice is otherwise required. When broadcast  
2352 notice is provided, the notice and agenda must be broadcast in a  
2353 manner and for a sufficient continuous length of time so as to  
2354 allow an average reader to observe the notice and read and  
2355 comprehend the entire content of the notice and the agenda. In  
2356 addition to any of the authorized means of providing notice of a  
2357 meeting of the board, the association may, by rule, adopt a  
2358 procedure for conspicuously posting the meeting notice and the  
2359 agenda on the association's website or an application that can  
2360 be downloaded on a mobile device for at least the minimum period  
2361 of time for which a notice of a meeting is also required to be  
2362 physically posted on the association property. Any rule adopted  
2363 must, in addition to other matters, include a requirement that  
2364 the association send an electronic notice to members whose e-  
2365 mail addresses are included in the association's official  
2366 records in the same manner as is required for a notice of a  
2367 meeting of the members. Such notice must include a hyperlink to  
2368 the website or such mobile application on which the meeting  
2369 notice is posted. The association may provide notice by  
2370 electronic transmission in a manner authorized by law for  
2371 meetings of the board of directors, committee meetings requiring  
2372 notice under this section, and annual and special meetings of  
2373 the members to any member who has provided a facsimile number or  
2374 e-mail address to the association to be used for such purposes;  
2375 however, a member must consent in writing to receiving notice by  
2376 electronic transmission.

2377         2. An assessment may not be levied at a board meeting  
2378 unless the notice of the meeting includes a statement that

12-00203B-21

2021630\_\_

2379 assessments will be considered and the nature of the  
2380 assessments. Written notice of any meeting at which special  
2381 assessments will be considered or at which amendments to rules  
2382 regarding parcel use will be considered must be mailed,  
2383 delivered, or electronically transmitted to the members and  
2384 parcel owners and posted conspicuously on the property or  
2385 broadcast on closed-circuit cable television not less than 14  
2386 days before the meeting.

2387 3. Directors may not vote by proxy or by secret ballot at  
2388 board meetings, except that secret ballots may be used in the  
2389 election of officers. This subsection also applies to the  
2390 meetings of any committee or other similar body, when a final  
2391 decision will be made regarding the expenditure of association  
2392 funds, and to any body vested with the power to approve or  
2393 disapprove architectural decisions with respect to a specific  
2394 parcel of residential property owned by a member of the  
2395 community.

2396 (4) OFFICIAL RECORDS.—The association shall maintain each  
2397 of the following items, when applicable, which constitute the  
2398 official records of the association:

2399 (1) Ballots, sign-in sheets, voting proxies, and all other  
2400 papers and electronic records relating to voting by parcel  
2401 owners, which must be maintained for at least 1 year after the  
2402 date of the election, vote, or meeting.

2403 (m) ~~(l)~~ All other written records of the association not  
2404 specifically included in this subsection ~~the foregoing~~ which are  
2405 related to the operation of the association.

2406 (6) BUDGETS.—

2407 (c)1. If the budget of the association does not provide for

12-00203B-21

2021630\_\_

2408 reserve accounts under ~~pursuant to~~ paragraph (d), or the  
2409 declaration of covenants, articles, or bylaws do not obligate  
2410 the developer to create reserves, and the association is  
2411 responsible for the repair and maintenance of capital  
2412 improvements that may result in a special assessment if reserves  
2413 are not provided or not fully funded, each financial report for  
2414 the preceding fiscal year required by subsection (7) must  
2415 contain the following statement in conspicuous type:

2416

2417 THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED  
2418 RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED  
2419 MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING  
2420 THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED  
2421 RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA  
2422 STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL  
2423 VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A  
2424 MEETING OR BY WRITTEN CONSENT.

2425 2. If the budget of the association does provide for  
2426 funding accounts for deferred expenditures, including, but not  
2427 limited to, funds for capital expenditures and deferred  
2428 maintenance, but such accounts are not created or established  
2429 under ~~pursuant to~~ paragraph (d), each financial report for the  
2430 preceding fiscal year required under subsection (7) must also  
2431 contain the following statement in conspicuous type:

2432 THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY  
2433 DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES  
2434 AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED  
2435 IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED  
2436 TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION

12-00203B-21

2021630\_\_

2437 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE  
2438 RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR  
2439 ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

2440 (d) An association is deemed to have provided for reserve  
2441 accounts ~~if reserve accounts have been initially established by~~  
2442 ~~the developer or if the membership of the association~~  
2443 ~~affirmatively elects to provide for reserves. If reserve~~  
2444 ~~accounts are established by the developer, the budget must~~  
2445 ~~designate the components for which the reserve accounts may be~~  
2446 ~~used. If reserve accounts are not initially provided by the~~  
2447 ~~developer, the membership of the association may elect to do so~~  
2448 upon the affirmative approval of a majority of the total voting  
2449 interests of the association. Such approval may be obtained by  
2450 vote of the members at a duly called meeting of the membership  
2451 or by the written consent of a majority of the total voting  
2452 interests of the association. The approval action of the  
2453 membership must state that reserve accounts shall be provided  
2454 for in the budget and must designate the components for which  
2455 the reserve accounts are to be established. Upon approval by the  
2456 membership, the board of directors shall include the required  
2457 reserve accounts in the budget in the next fiscal year following  
2458 the approval and each year thereafter. Once established as  
2459 provided in this subsection, the reserve accounts must be funded  
2460 or maintained or have their funding waived in the manner  
2461 provided in paragraph (f).

2462 (10) RECALL OF DIRECTORS.—

2463 (b)1. Board directors may be recalled by an agreement in  
2464 writing or by written ballot without a membership meeting. The  
2465 agreement in writing or the written ballots, or a copy thereof,

12-00203B-21

2021630\_\_

2466 shall be served on the association by certified mail or by  
2467 personal service in the manner authorized by chapter 48 and the  
2468 Florida Rules of Civil Procedure.

2469 2. The board shall duly notice and hold a meeting of the  
2470 board within 5 full business days after receipt of the agreement  
2471 in writing or written ballots. At the meeting, the board shall  
2472 either certify the written ballots or written agreement to  
2473 recall a director or directors of the board, in which case such  
2474 director or directors shall be recalled effective immediately  
2475 and shall turn over to the board within 5 full business days any  
2476 and all records and property of the association in their  
2477 possession, or proceed as described in paragraph (d).

2478 3. When it is determined by the department pursuant to  
2479 binding arbitration proceedings or the court in an action filed  
2480 in a court of competent jurisdiction that an initial recall  
2481 effort was defective, written recall agreements or written  
2482 ballots used in the first recall effort and not found to be  
2483 defective may be reused in one subsequent recall effort.  
2484 However, in no event is a written agreement or written ballot  
2485 valid for more than 120 days after it has been signed by the  
2486 member.

2487 4. Any rescission or revocation of a member's written  
2488 recall ballot or agreement must be in writing and, in order to  
2489 be effective, must be delivered to the association before the  
2490 association is served with the written recall agreements or  
2491 ballots.

2492 5. The agreement in writing or ballot shall list at least  
2493 as many possible replacement directors as there are directors  
2494 subject to the recall, when at least a majority of the board is

12-00203B-21

2021630\_\_

2495 sought to be recalled; the person executing the recall  
2496 instrument may vote for as many replacement candidates as there  
2497 are directors subject to the recall.

2498 (d) If the board determines not to certify the written  
2499 agreement or written ballots to recall a director or directors  
2500 of the board or does not certify the recall by a vote at a  
2501 meeting, the board shall, within 5 full business days after the  
2502 meeting, file an action with a court of competent jurisdiction  
2503 or file with the department a petition for binding arbitration  
2504 under ~~pursuant to~~ the applicable procedures in ss. 718.112(2)(j)  
2505 and 718.1255 and the rules adopted thereunder. For the purposes  
2506 of this section, the members who voted at the meeting or who  
2507 executed the agreement in writing shall constitute one party  
2508 under the petition for arbitration or in a court action. If the  
2509 arbitrator or court certifies the recall as to any director or  
2510 directors of the board, the recall will be effective upon the  
2511 final order of the court or the mailing of the final order of  
2512 arbitration to the association. The director or directors so  
2513 recalled shall deliver to the board any and all records of the  
2514 association in their possession within 5 full business days  
2515 after the effective date of the recall.

2516 (g) If the board fails to duly notice and hold the required  
2517 meeting or fails to file the required petition or action, the  
2518 parcel unit owner representative may file a petition or a court  
2519 action under ~~pursuant to~~ s. 718.1255 challenging the board's  
2520 failure to act. The petition or action must be filed within 60  
2521 days after the expiration of the applicable 5-full-business-day  
2522 period. The review of a petition or action under this paragraph  
2523 is limited to the sufficiency of service on the board and the

12-00203B-21

2021630\_\_

2524 facial validity of the written agreement or ballots filed.

2525 (k) A board member who has been recalled may file an action  
2526 with a court of competent jurisdiction or a petition under  
2527 ~~pursuant to~~ ss. 718.112(2)(j) and 718.1255 and the rules adopted  
2528 challenging the validity of the recall. The petition or action  
2529 must be filed within 60 days after the recall is deemed  
2530 certified. The association and the parcel unit owner  
2531 representative shall be named as respondents.

2532 (l) The division or a court of competent jurisdiction may  
2533 not accept for filing a recall petition or action, whether filed  
2534 under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g),  
2535 or paragraph (k) and regardless of whether the recall was  
2536 certified, when there are 60 or fewer days until the scheduled  
2537 reelection of the board member sought to be recalled or when 60  
2538 or fewer days have not elapsed since the election of the board  
2539 member sought to be recalled.

2540 Section 21. Subsection (2) of section 720.305, Florida  
2541 Statutes, is amended to read:

2542 720.305 Obligations of members; remedies at law or in  
2543 equity; levy of fines and suspension of use rights.—

2544 (2) An ~~The~~ association may levy reasonable fines. A fine  
2545 may not exceed \$100 per violation against any member or any  
2546 member's tenant, guest, or invitee for the failure of the owner  
2547 of the parcel or its occupant, licensee, or invitee to comply  
2548 with any provision of the declaration, the association bylaws,  
2549 or reasonable rules of the association unless otherwise provided  
2550 in the governing documents. A fine may be levied by the board  
2551 for each day of a continuing violation, with a single notice and  
2552 opportunity for hearing, except that the fine may not exceed



12-00203B-21

2021630\_\_

2553 \$1,000 in the aggregate unless otherwise provided in the  
2554 governing documents. A fine of less than \$1,000 may not become a  
2555 lien against a parcel. In any action to recover a fine, the  
2556 prevailing party is entitled to reasonable attorney fees and  
2557 costs from the nonprevailing party as determined by the court.

2558 (a) An association may suspend, for a reasonable period of  
2559 time, the right of a member, or a member's tenant, guest, or  
2560 invitee, to use common areas and facilities for the failure of  
2561 the owner of the parcel or its occupant, licensee, or invitee to  
2562 comply with any provision of the declaration, the association  
2563 bylaws, or reasonable rules of the association. This paragraph  
2564 does not apply to that portion of common areas used to provide  
2565 access or utility services to the parcel. A suspension may not  
2566 prohibit an owner or tenant of a parcel from having vehicular  
2567 and pedestrian ingress to and egress from the parcel, including,  
2568 but not limited to, the right to park.

2569 (b) A fine or suspension levied by the board of  
2570 administration may not be imposed unless the board first  
2571 provides at least 14 days' notice to the parcel owner and, if  
2572 applicable, any occupant, licensee, or invitee of the parcel  
2573 owner, sought to be fined or suspended and an opportunity for a  
2574 hearing before a committee of at least three members appointed  
2575 by the board who are not officers, directors, or employees of  
2576 the association, or the spouse, parent, child, brother, or  
2577 sister of an officer, director, or employee. If the committee,  
2578 by majority vote, does not approve a proposed fine or  
2579 suspension, the proposed fine or suspension may not be imposed.  
2580 The role of the committee is limited to determining whether to  
2581 confirm or reject the fine or suspension levied by the board. If

12-00203B-21

2021630\_\_

2582 the proposed fine or suspension levied by the board is approved  
2583 by the committee, the fine payment is due 5 days after notice of  
2584 the approved fine is provided to the parcel owner and, if  
2585 applicable, to any occupant, licensee, or invitee of the parcel  
2586 owner ~~the date of the committee meeting at which the fine is~~  
2587 ~~approved~~. The association must provide written notice of such  
2588 fine or suspension by mail or hand delivery to the parcel owner  
2589 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
2590 of the parcel owner.

2591 Section 22. Paragraph (g) of subsection (1) and paragraph  
2592 (c) of subsection (9) of section 720.306, Florida Statutes, are  
2593 amended, and paragraph (h) is added to subsection (1) of that  
2594 section, to read:

2595 720.306 Meetings of members; voting and election  
2596 procedures; amendments.—

2597 (1) QUORUM; AMENDMENTS.—

2598 (g) A notice required under this section must be mailed or  
2599 delivered to the address identified as the parcel owner's  
2600 mailing address in the official records of the association as  
2601 required under s. 720.303(4) ~~on the property appraiser's website~~  
2602 ~~for the county in which the parcel is located~~, or electronically  
2603 transmitted in a manner authorized by the association if the  
2604 parcel owner has consented, in writing, to receive notice by  
2605 electronic transmission.

2606 (h)1. Except as provided herein, an amendment to a  
2607 governing document, rule, or regulation enacted after July 1,  
2608 2021, which prohibits a parcel owner from renting his or her  
2609 parcel, alters the authorized duration of a rental term, or  
2610 specifies or limits the number of times that a parcel owner may

12-00203B-21

2021630\_\_

2611 rent his or her parcel during a specified period, applies only  
2612 to a parcel owner who consents, individually or through a  
2613 representative, to the amendment, and to parcel owners who  
2614 acquire title to a parcel after the effective date of the  
2615 amendment.

2616 2. Notwithstanding subparagraph 1., an association may  
2617 amend its governing documents to prohibit or regulate rental  
2618 durations that are for terms of less than 6 months and to  
2619 prohibit a parcel owner from renting his or parcel more than  
2620 three times in a calendar year. Such amendments apply to all  
2621 parcel owners.

2622 3. This paragraph does not affect the amendment  
2623 restrictions for associations of 15 or fewer parcel owners as  
2624 provided in s. 720.303(1).

2625 4. For purposes of this paragraph, a change of ownership  
2626 does not occur when a parcel owner conveys the parcel to an  
2627 affiliated entity or when beneficial ownership of the parcel  
2628 does not change. For purposes of this paragraph, the term  
2629 "affiliated entity" means an entity that controls, is controlled  
2630 by, or is under common control with the parcel owner or that  
2631 becomes a parent or successor entity by reason of transfer,  
2632 merger, consolidation, public offering, reorganization,  
2633 dissolution or sale of stock, or transfer of membership  
2634 partnership interests. For a conveyance to be recognized as one  
2635 made to an affiliated entity, the entity must furnish the  
2636 association a document certifying that this paragraph applies,  
2637 as well as providing any organizational documents for the parcel  
2638 owner and the affiliated entity that support the representations  
2639 in the certificate, as requested by the association.

12-00203B-21

2021630\_\_

2640 (9) ELECTIONS AND BOARD VACANCIES.—

2641 (c) Any election dispute between a member and an  
2642 association must be submitted to ~~mandatory~~ binding arbitration  
2643 with the division or filed with a court of competent  
2644 jurisdiction. Such proceedings that are submitted to binding  
2645 arbitration with the division must be conducted in the manner  
2646 provided by s. 718.1255 and the procedural rules adopted by the  
2647 division. Unless otherwise provided in the bylaws, any vacancy  
2648 occurring on the board before the expiration of a term may be  
2649 filled by an affirmative vote of the majority of the remaining  
2650 directors, even if the remaining directors constitute less than  
2651 a quorum, or by the sole remaining director. In the alternative,  
2652 a board may hold an election to fill the vacancy, in which case  
2653 the election procedures must conform to the requirements of the  
2654 governing documents. Unless otherwise provided in the bylaws, a  
2655 board member appointed or elected under this section is  
2656 appointed for the unexpired term of the seat being filled.  
2657 Filling vacancies created by recall is governed by s.  
2658 720.303(10) and rules adopted by the division.

2659 Section 23. Subsection (1) of section 720.311, Florida  
2660 Statutes, is amended to read:

2661 720.311 Dispute resolution.—

2662 (1) The Legislature finds that alternative dispute  
2663 resolution has made progress in reducing court dockets and  
2664 trials and in offering a more efficient, cost-effective option  
2665 to litigation. The filing of any petition for arbitration or the  
2666 serving of a demand for presuit mediation as provided for in  
2667 this section shall toll the applicable statute of limitations.  
2668 Any recall dispute filed with the department under ~~pursuant to~~

12-00203B-21

2021630\_\_

2669 s. 720.303(10) shall be conducted by the department in  
 2670 accordance with the provisions of ss. 718.112(2)(j) and 718.1255  
 2671 and the rules adopted by the division. In addition, the  
 2672 department shall conduct ~~mandatory~~ binding arbitration of  
 2673 election disputes between a member and an association in  
 2674 accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the  
 2675 division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are  
 2676 not eligible for presuit mediation; these disputes must ~~shall~~ be  
 2677 arbitrated by the department or filed in a court of competent  
 2678 jurisdiction. At the conclusion of an arbitration ~~the~~  
 2679 proceeding, the department shall charge the parties a fee in an  
 2680 amount adequate to cover all costs and expenses incurred by the  
 2681 department in conducting the proceeding. Initially, the  
 2682 petitioner shall remit a filing fee of at least \$200 to the  
 2683 department. The fees paid to the department shall become a  
 2684 recoverable cost in the arbitration proceeding, and the  
 2685 prevailing party in an arbitration proceeding shall recover its  
 2686 reasonable costs and attorney ~~attorney's~~ fees in an amount found  
 2687 reasonable by the arbitrator. The department shall adopt rules  
 2688 to effectuate the purposes of this section.

2689 Section 24. Subsection (6) is added to section 720.3075,  
 2690 Florida Statutes, to read:

2691 720.3075 Prohibited clauses in association documents.—

2692 (6) An association may extinguish a discriminatory  
 2693 restriction as provided in s. 712.065.

2694 Section 25. Section 720.316, Florida Statutes, is amended  
 2695 to read:

2696 720.316 Association emergency powers.—

2697 (1) To the extent allowed by law, unless specifically

12-00203B-21

2021630\_\_

2698 prohibited by the declaration or other recorded governing  
2699 documents, and consistent with s. 617.0830, the board of  
2700 directors, in response to damage or injury caused by or  
2701 anticipated in connection with an emergency, as defined in s.  
2702 252.34(4), event for which a state of emergency is declared  
2703 pursuant to s. 252.36 in the area encompassed by the  
2704 association, may exercise the following powers:

2705 (a) Conduct board meetings, committee meetings, elections,  
2706 or membership meetings, in whole or in part, by telephone, real-  
2707 time videoconferencing, or similar real-time electronic or video  
2708 communication after notice of the meetings and board decisions  
2709 is provided in as practicable a manner as possible, including  
2710 via publication, radio, United States mail, the Internet,  
2711 electronic transmission, public service announcements,  
2712 conspicuous posting on the common area association property, or  
2713 any other means the board deems appropriate under the  
2714 circumstances. Notice of decisions may also be communicated as  
2715 provided in this paragraph.

2716 (b) Cancel and reschedule an association meeting.

2717 (c) Designate assistant officers who are not directors. If  
2718 the executive officer is incapacitated or unavailable, the  
2719 assistant officer has the same authority during the state of  
2720 emergency as the executive officer he or she assists.

2721 (d) Relocate the association's principal office or  
2722 designate an alternative principal office.

2723 (e) Enter into agreements with counties and municipalities  
2724 to assist counties and municipalities with debris removal.

2725 (f) Implement a disaster or an emergency plan before,  
2726 during, or ~~immediately~~ following the event for which a state of

12-00203B-21

2021630\_\_

2727 emergency is declared, which may include, but is not limited to,  
2728 turning on or shutting off elevators; electricity; water, sewer,  
2729 or security systems; or air conditioners for association  
2730 buildings.

2731 (g) Based upon the advice of emergency management officials  
2732 or public health officials, or upon the advice of licensed  
2733 professionals retained by or otherwise available to the board,  
2734 determine any portion of the common areas or facilities  
2735 ~~association property~~ unavailable for entry or occupancy by  
2736 owners or their family members, tenants, guests, agents, or  
2737 invitees to protect their health, safety, or welfare.

2738 (h) Based upon the advice of emergency management officials  
2739 or public health officials or upon the advice of licensed  
2740 professionals retained by or otherwise available to the board,  
2741 determine whether the common areas or facilities ~~association~~  
2742 ~~property~~ can be safely inhabited, accessed, or occupied.  
2743 However, such determination is not conclusive as to any  
2744 determination of habitability pursuant to the declaration.

2745 (i) Mitigate further damage, injury, or contagion,  
2746 including taking action to contract for the removal of debris  
2747 and to prevent or mitigate the spread of fungus, including mold  
2748 or mildew, by removing and disposing of wet drywall, insulation,  
2749 carpet, cabinetry, or other fixtures on or within the common  
2750 areas or facilities or sanitizing the common areas or facilities  
2751 ~~association property~~.

2752 (j) Notwithstanding a provision to the contrary, and  
2753 regardless of whether such authority does not specifically  
2754 appear in the declaration or other recorded governing documents,  
2755 levy special assessments without a vote of the owners.

12-00203B-21

2021630\_\_

2756 (k) Without owners' approval, borrow money and pledge  
2757 association assets as collateral to fund emergency repairs and  
2758 carry out the duties of the association if operating funds are  
2759 insufficient. This paragraph does not limit the general  
2760 authority of the association to borrow money, subject to such  
2761 restrictions contained in the declaration or other recorded  
2762 governing documents.

2763 (2) The authority granted under subsection (1) is limited  
2764 to that time reasonably necessary to protect the health, safety,  
2765 and welfare of the association and the parcel owners and their  
2766 family members, tenants, guests, agents, or invitees, and to  
2767 mitigate further damage, injury, or contagion and make emergency  
2768 repairs.

2769 (3) Notwithstanding paragraphs (1)(f)-(i), during a state  
2770 of emergency declared by executive order or proclamation of the  
2771 Governor pursuant to s. 252.36, an association may not prohibit  
2772 parcel owners, tenants, guests, agents, or invitees of a parcel  
2773 owner from accessing the common areas and facilities for the  
2774 purposes of ingress to and egress from the parcel when access is  
2775 necessary in connection with:

2776 (a) The sale, lease, or other transfer of title of a  
2777 parcel; or

2778 (b) The habitability of the parcel or for the health and  
2779 safety of such person unless a governmental order or  
2780 determination, or a public health directive from the Centers for  
2781 Disease Control and Prevention, has been issued prohibiting such  
2782 access to the parcel. Any such access is subject to reasonable  
2783 restrictions adopted by the association.

2784 Section 26. This act shall take effect July 1, 2021.