

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to residential associations; amending  
3       ss. 718.112, 719.106, and 720.3033, F.S.; revising  
4       certification and education requirements for board  
5       directors of residential condominium associations,  
6       cooperative associations, and homeowners'  
7       associations, respectively; conforming provisions to  
8       changes made by the act; providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:  
11

12           Section 1. Paragraph (d) of subsection (2) of section  
13       718.112, Florida Statutes, is amended to read:

14           718.112 Bylaws.—

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

18           (d) *Unit owner meetings*.—

19           1. An annual meeting of the unit owners must be held at the  
20       location provided in the association bylaws and, if the bylaws  
21       are silent as to the location, the meeting must be held within  
22       45 miles of the condominium property. However, such distance  
23       requirement does not apply to an association governing a  
24       timeshare condominium.

25           2. Unless the bylaws provide otherwise, a vacancy on the  
26       board caused by the expiration of a director's term must be  
27       filled by electing a new board member, and the election must be  
28       by secret ballot. An election is not required if the number of  
29       vacancies equals or exceeds the number of candidates. For

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30 purposes of this paragraph, the term "candidate" means an  
31 eligible person who has timely submitted the written notice, as  
32 described in sub-subparagraph 4.a., of his or her intention to  
33 become a candidate. Except in a timeshare or nonresidential  
34 condominium, or if the staggered term of a board member does not  
35 expire until a later annual meeting, or if all members' terms  
36 would otherwise expire but there are no candidates, the terms of  
37 all board members expire at the annual meeting, and such members  
38 may stand for reelection unless prohibited by the bylaws. Board  
39 members may serve terms longer than 1 year if permitted by the  
40 bylaws or articles of incorporation. A board member may not  
41 serve more than 8 consecutive years unless approved by an  
42 affirmative vote of unit owners representing two-thirds of all  
43 votes cast in the election or unless there are not enough  
44 eligible candidates to fill the vacancies on the board at the  
45 time of the vacancy. Only board service that occurs on or after  
46 July 1, 2018, may be used when calculating a board member's term  
47 limit. If the number of board members whose terms expire at the  
48 annual meeting equals or exceeds the number of candidates, the  
49 candidates become members of the board effective upon the  
50 adjournment of the annual meeting. Unless the bylaws provide  
51 otherwise, any remaining vacancies shall be filled by the  
52 affirmative vote of the majority of the directors making up the  
53 newly constituted board even if the directors constitute less  
54 than a quorum or there is only one director. In a residential  
55 condominium association of more than 10 units or in a  
56 residential condominium association that does not include  
57 timeshare units or timeshare interests, co-owners of a unit may  
58 not serve as members of the board of directors at the same time

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59 unless they own more than one unit or unless there are not  
60 enough eligible candidates to fill the vacancies on the board at  
61 the time of the vacancy. A unit owner in a residential  
62 condominium desiring to be a candidate for board membership must  
63 comply with sub-subparagraph 4.a. and must be eligible to be a  
64 candidate to serve on the board of directors at the time of the  
65 deadline for submitting a notice of intent to run in order to  
66 have his or her name listed as a proper candidate on the ballot  
67 or to serve on the board. A person who has been suspended or  
68 removed by the division under this chapter, or who is delinquent  
69 in the payment of any assessment due to the association, is not  
70 eligible to be a candidate for board membership and may not be  
71 listed on the ballot. For purposes of this paragraph, a person  
72 is delinquent if a payment is not made by the due date as  
73 specifically identified in the declaration of condominium,  
74 bylaws, or articles of incorporation. If a due date is not  
75 specifically identified in the declaration of condominium,  
76 bylaws, or articles of incorporation, the due date is the first  
77 day of the assessment period. A person who has been convicted of  
78 any felony in this state or in a United States District or  
79 Territorial Court, or who has been convicted of any offense in  
80 another jurisdiction which would be considered a felony if  
81 committed in this state, is not eligible for board membership  
82 unless such felon's civil rights have been restored for at least  
83 5 years as of the date such person seeks election to the board.  
84 The validity of an action by the board is not affected if it is  
85 later determined that a board member is ineligible for board  
86 membership due to having been convicted of a felony. This  
87 subparagraph does not limit the term of a member of the board of

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88 a nonresidential or timeshare condominium.

89 3. The bylaws must provide the method of calling meetings  
90 of unit owners, including annual meetings. Written notice of an  
91 annual meeting must include an agenda; be mailed, hand  
92 delivered, or electronically transmitted to each unit owner at  
93 least 14 days before the annual meeting; and be posted in a  
94 conspicuous place on the condominium property or association  
95 property at least 14 continuous days before the annual meeting.  
96 Written notice of a meeting other than an annual meeting must  
97 include an agenda; be mailed, hand delivered, or electronically  
98 transmitted to each unit owner; and be posted in a conspicuous  
99 place on the condominium property or association property within  
100 the timeframe specified in the bylaws. If the bylaws do not  
101 specify a timeframe for written notice of a meeting other than  
102 an annual meeting, notice must be provided at least 14  
103 continuous days before the meeting. Upon notice to the unit  
104 owners, the board shall, by duly adopted rule, designate a  
105 specific location on the condominium property or association  
106 property where all notices of unit owner meetings must be  
107 posted. This requirement does not apply if there is no  
108 condominium property for posting notices. In lieu of, or in  
109 addition to, the physical posting of meeting notices, the  
110 association may, by reasonable rule, adopt a procedure for  
111 conspicuously posting and repeatedly broadcasting the notice and  
112 the agenda on a closed-circuit cable television system serving  
113 the condominium association. However, if broadcast notice is  
114 used in lieu of a notice posted physically on the condominium  
115 property, the notice and agenda must be broadcast at least four  
116 times every broadcast hour of each day that a posted notice is

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117 otherwise required under this section. If broadcast notice is  
118 provided, the notice and agenda must be broadcast in a manner  
119 and for a sufficient continuous length of time so as to allow an  
120 average reader to observe the notice and read and comprehend the  
121 entire content of the notice and the agenda. In addition to any  
122 of the authorized means of providing notice of a meeting of the  
123 board, the association may, by rule, adopt a procedure for  
124 conspicuously posting the meeting notice and the agenda on a  
125 website serving the condominium association for at least the  
126 minimum period of time for which a notice of a meeting is also  
127 required to be physically posted on the condominium property.  
128 Any rule adopted shall, in addition to other matters, include a  
129 requirement that the association send an electronic notice in  
130 the same manner as a notice for a meeting of the members, which  
131 must include a hyperlink to the website where the notice is  
132 posted, to unit owners whose e-mail addresses are included in  
133 the association's official records. Unless a unit owner waives  
134 in writing the right to receive notice of the annual meeting,  
135 such notice must be hand delivered, mailed, or electronically  
136 transmitted to each unit owner. Notice for meetings and notice  
137 for all other purposes must be mailed to each unit owner at the  
138 address last furnished to the association by the unit owner, or  
139 hand delivered to each unit owner. However, if a unit is owned  
140 by more than one person, the association must provide notice to  
141 the address that the developer identifies for that purpose and  
142 thereafter as one or more of the owners of the unit advise the  
143 association in writing, or if no address is given or the owners  
144 of the unit do not agree, to the address provided on the deed of  
145 record. An officer of the association, or the manager or other

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146 person providing notice of the association meeting, must provide  
147 an affidavit or United States Postal Service certificate of  
148 mailing, to be included in the official records of the  
149 association affirming that the notice was mailed or hand  
150 delivered in accordance with this provision.

151 4. The members of the board of a residential condominium  
152 shall be elected by written ballot or voting machine. Proxies  
153 may not be used in electing the board in general elections or  
154 elections to fill vacancies caused by recall, resignation, or  
155 otherwise, unless otherwise provided in this chapter. This  
156 subparagraph does not apply to an association governing a  
157 timeshare condominium.

158 a. At least 60 days before a scheduled election, the  
159 association shall mail, deliver, or electronically transmit, by  
160 separate association mailing or included in another association  
161 mailing, delivery, or transmission, including regularly  
162 published newsletters, to each unit owner entitled to a vote, a  
163 first notice of the date of the election. A unit owner or other  
164 eligible person desiring to be a candidate for the board must  
165 give written notice of his or her intent to be a candidate to  
166 the association at least 40 days before a scheduled election.  
167 Together with the written notice and agenda as set forth in  
168 subparagraph 3., the association shall mail, deliver, or  
169 electronically transmit a second notice of the election to all  
170 unit owners entitled to vote, together with a ballot that lists  
171 all candidates not less than 14 days or more than 34 days before  
172 the date of the election. Upon request of a candidate, an  
173 information sheet, no larger than 8 1/2 inches by 11 inches,  
174 which must be furnished by the candidate at least 35 days before

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175 the election, must be included with the mailing, delivery, or  
176 transmission of the ballot, with the costs of mailing, delivery,  
177 or electronic transmission and copying to be borne by the  
178 association. The association is not liable for the contents of  
179 the information sheets prepared by the candidates. In order to  
180 reduce costs, the association may print or duplicate the  
181 information sheets on both sides of the paper. The division  
182 shall by rule establish voting procedures consistent with this  
183 sub-subparagraph, including rules establishing procedures for  
184 giving notice by electronic transmission and rules providing for  
185 the secrecy of ballots. Elections shall be decided by a  
186 plurality of ballots cast. There is no quorum requirement;  
187 however, at least 20 percent of the eligible voters must cast a  
188 ballot in order to have a valid election. A unit owner may not  
189 authorize any other person to vote his or her ballot, and any  
190 ballots improperly cast are invalid. A unit owner who violates  
191 this provision may be fined by the association in accordance  
192 with s. 718.303. A unit owner who needs assistance in casting  
193 the ballot for the reasons stated in s. 101.051 may obtain such  
194 assistance. The regular election must occur on the date of the  
195 annual meeting. Notwithstanding this sub-subparagraph, an  
196 election is not required unless more candidates file notices of  
197 intent to run or are nominated than board vacancies exist.

198 b. Within 90 days after being elected or appointed to the  
199 board of an association of a residential condominium, each newly  
200 elected or appointed director shall do both of the following:

201 (I) Certify by affidavit ~~in writing~~ to the secretary of the  
202 association that he or she has read the association's  
203 declaration of condominium, articles of incorporation, bylaws,

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204 and current written policies; that he or she will work to uphold  
 205 such documents and policies to the best of his or her ability;  
 206 and that he or she will faithfully discharge his or her  
 207 fiduciary responsibility to the association's members. ~~In lieu~~  
 208 ~~of this written certification, within 90 days after being~~  
 209 ~~elected or appointed to the board, the newly elected or~~  
 210 ~~appointed director may~~

211 (II) Submit a certificate of having satisfactorily  
 212 completed the educational curriculum administered by a division-  
 213 approved condominium education provider within 1 year before or  
 214 90 days after the date of election or appointment. The affidavit  
 215 and ~~written certification or~~ educational certificate is valid  
 216 and does not have to be resubmitted as long as the director  
 217 serves on the board without interruption.

218  
 219 A director of an association of a residential condominium who  
 220 fails to timely file the affidavit and ~~written certification or~~  
 221 educational certificate is suspended from service on the board  
 222 until he or she complies with this sub-subparagraph. The board  
 223 may temporarily fill the vacancy during the period of  
 224 suspension. The secretary shall require ~~cause~~ the association to  
 225 retain a director's affidavit and ~~written certification or~~  
 226 educational certificate for inspection by the members for 5  
 227 years after a director's election or the duration of the  
 228 director's uninterrupted tenure, whichever is longer. Failure to  
 229 have such affidavit and ~~written certification or~~ educational  
 230 certificate on file does not affect the validity of any board  
 231 action.

232 c. Any challenge to the election process must be commenced

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233 within 60 days after the election results are announced.

234         5. Any approval by unit owners called for by this chapter  
235 or the applicable declaration or bylaws, including, but not  
236 limited to, the approval requirement in s. 718.111(8), must be  
237 made at a duly noticed meeting of unit owners and is subject to  
238 all requirements of this chapter or the applicable condominium  
239 documents relating to unit owner decisionmaking, except that  
240 unit owners may take action by written agreement, without  
241 meetings, on matters for which action by written agreement  
242 without meetings is expressly allowed by the applicable bylaws  
243 or declaration or any law that provides for such action.

244         6. Unit owners may waive notice of specific meetings if  
245 allowed by the applicable bylaws or declaration or any law.  
246 Notice of meetings of the board of administration, unit owner  
247 meetings, except unit owner meetings called to recall board  
248 members under paragraph (j), and committee meetings may be given  
249 by electronic transmission to unit owners who consent to receive  
250 notice by electronic transmission. A unit owner who consents to  
251 receiving notices by electronic transmission is solely  
252 responsible for removing or bypassing filters that block receipt  
253 of mass e-mails sent to members on behalf of the association in  
254 the course of giving electronic notices.

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

259         8. A unit owner may tape record or videotape a meeting of  
260 the unit owners subject to reasonable rules adopted by the  
261 division.

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262 9. Unless otherwise provided in the bylaws, any vacancy  
263 occurring on the board before the expiration of a term may be  
264 filled by the affirmative vote of the majority of the remaining  
265 directors, even if the remaining directors constitute less than  
266 a quorum, or by the sole remaining director. In the alternative,  
267 a board may hold an election to fill the vacancy, in which case  
268 the election procedures must conform to sub-subparagraph 4.a.  
269 unless the association governs 10 units or fewer and has opted  
270 out of the statutory election process, in which case the bylaws  
271 of the association control. Unless otherwise provided in the  
272 bylaws, a board member appointed or elected under this section  
273 shall fill the vacancy for the unexpired term of the seat being  
274 filled. Filling vacancies created by recall is governed by  
275 paragraph (j) and rules adopted by the division.

276 10. This chapter does not limit the use of general or  
277 limited proxies, require the use of general or limited proxies,  
278 or require the use of a written ballot or voting machine for any  
279 agenda item or election at any meeting of a timeshare  
280 condominium association or nonresidential condominium  
281 association.

282  
283 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
284 association of 10 or fewer units may, by affirmative vote of a  
285 majority of the total voting interests, provide for different  
286 voting and election procedures in its bylaws, which may be by a  
287 proxy specifically delineating the different voting and election  
288 procedures. The different voting and election procedures may  
289 provide for elections to be conducted by limited or general  
290 proxy.

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291 Section 2. Paragraph (d) of subsection (1) of section  
292 719.106, Florida Statutes, is amended to read:

293 719.106 Bylaws; cooperative ownership.—

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

297 (d) *Shareholder meetings*.—There shall be an annual meeting  
298 of the shareholders. All members of the board of administration  
299 shall be elected at the annual meeting unless the bylaws provide  
300 for staggered election terms or for their election at another  
301 meeting. Any unit owner desiring to be a candidate for board  
302 membership must comply with subparagraph 1. The bylaws must  
303 provide the method for calling meetings, including annual  
304 meetings. Written notice, which must incorporate an  
305 identification of agenda items, shall be given to each unit  
306 owner at least 14 days before the annual meeting and posted in a  
307 conspicuous place on the cooperative property at least 14  
308 continuous days preceding the annual meeting. Upon notice to the  
309 unit owners, the board must by duly adopted rule designate a  
310 specific location on the cooperative property upon which all  
311 notice of unit owner meetings are posted. In lieu of or in  
312 addition to the physical posting of the meeting notice, the  
313 association may, by reasonable rule, adopt a procedure for  
314 conspicuously posting and repeatedly broadcasting the notice and  
315 the agenda on a closed-circuit cable television system serving  
316 the cooperative association. However, if broadcast notice is  
317 used in lieu of a posted notice, the notice and agenda must be  
318 broadcast at least four times every broadcast hour of each day  
319 that a posted notice is otherwise required under this section.

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320 If broadcast notice is provided, the notice and agenda must be  
321 broadcast in a manner and for a sufficient continuous length of  
322 time to allow an average reader to observe the notice and read  
323 and comprehend the entire content of the notice and the agenda.  
324 In addition to any of the authorized means of providing notice  
325 of a meeting of the shareholders, the association may, by rule,  
326 adopt a procedure for conspicuously posting the meeting notice  
327 and the agenda on a website serving the cooperative association  
328 for at least the minimum period of time for which a notice of a  
329 meeting is also required to be physically posted on the  
330 cooperative property. Any rule adopted shall, in addition to  
331 other matters, include a requirement that the association send  
332 an electronic notice in the same manner as a notice for a  
333 meeting of the members, which must include a hyperlink to the  
334 website where the notice is posted, to unit owners whose e-mail  
335 addresses are included in the association's official records.  
336 Unless a unit owner waives in writing the right to receive  
337 notice of the annual meeting, the notice of the annual meeting  
338 must be sent by mail, hand delivered, or electronically  
339 transmitted to each unit owner. An officer of the association  
340 must provide an affidavit or United States Postal Service  
341 certificate of mailing, to be included in the official records  
342 of the association, affirming that notices of the association  
343 meeting were mailed, hand delivered, or electronically  
344 transmitted, in accordance with this provision, to each unit  
345 owner at the address last furnished to the association.

346 1. The board of administration shall be elected by written  
347 ballot or voting machine. A proxy may not be used in electing  
348 the board of administration in general elections or elections to

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349 fill vacancies caused by recall, resignation, or otherwise  
350 unless otherwise provided in this chapter.

351 a. At least 60 days before a scheduled election, the  
352 association shall mail, deliver, or transmit, whether by  
353 separate association mailing, delivery, or electronic  
354 transmission or included in another association mailing,  
355 delivery, or electronic transmission, including regularly  
356 published newsletters, to each unit owner entitled to vote, a  
357 first notice of the date of the election. Any unit owner or  
358 other eligible person desiring to be a candidate for the board  
359 of administration must give written notice to the association at  
360 least 40 days before a scheduled election. Together with the  
361 written notice and agenda as set forth in this section, the  
362 association shall mail, deliver, or electronically transmit a  
363 second notice of election to all unit owners entitled to vote,  
364 together with a ballot that lists all candidates. Upon request  
365 of a candidate, the association shall include an information  
366 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
367 furnished by the candidate at least 35 days before the election,  
368 to be included with the mailing, delivery, or electronic  
369 transmission of the ballot, with the costs of mailing, delivery,  
370 or transmission and copying to be borne by the association. The  
371 association is not liable for the contents of the information  
372 sheets provided by the candidates. In order to reduce costs, the  
373 association may print or duplicate the information sheets on  
374 both sides of the paper. The division shall by rule establish  
375 voting procedures consistent with this subparagraph, including  
376 rules establishing procedures for giving notice by electronic  
377 transmission and rules providing for the secrecy of ballots.

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378 Elections shall be decided by a plurality of those ballots cast.  
379 There is no quorum requirement. However, at least 20 percent of  
380 the eligible voters must cast a ballot in order to have a valid  
381 election. A unit owner may not permit any other person to vote  
382 his or her ballot, and any such ballots improperly cast are  
383 invalid. A unit owner who needs assistance in casting the ballot  
384 for the reasons stated in s. 101.051 may obtain assistance in  
385 casting the ballot. Any unit owner violating this provision may  
386 be fined by the association in accordance with s. 719.303. The  
387 regular election must occur on the date of the annual meeting.  
388 This subparagraph does not apply to timeshare cooperatives.  
389 Notwithstanding this subparagraph, an election and balloting are  
390 not required unless more candidates file a notice of intent to  
391 run or are nominated than vacancies exist on the board. Any  
392 challenge to the election process must be commenced within 60  
393 days after the election results are announced.

394 b. Within 90 days after being elected or appointed to the  
395 board, each new director shall do both of the following:

396 (I) Certify by affidavit ~~in writing~~ to the secretary of the  
397 association that he or she has read the association's bylaws,  
398 articles of incorporation, proprietary lease, and current  
399 written policies; that he or she will work to uphold such  
400 documents and policies to the best of his or her ability; and  
401 that he or she will faithfully discharge his or her fiduciary  
402 responsibility to the association's members. ~~Within 90 days~~  
403 ~~after being elected or appointed to the board, in lieu of this~~  
404 ~~written certification, the newly elected or appointed director~~  
405 ~~may~~

406 (II) Submit a certificate of having satisfactorily

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407 completed the educational curriculum administered by an  
408 education provider as approved by the division pursuant to the  
409 requirements established in chapter 718 within 1 year before or  
410 90 days after the date of election or appointment. The  
411 educational certificate is valid and does not have to be  
412 resubmitted as long as the director serves on the board without  
413 interruption.

414

415 A director who fails to timely file the affidavit and ~~written~~  
416 ~~certification or~~ educational certificate is suspended from  
417 service on the board until he or she complies with this sub-  
418 subparagraph. The board may temporarily fill the vacancy during  
419 the period of suspension. The secretary of the association shall  
420 require ~~cause~~ the association to retain a director's affidavit  
421 and ~~written certification or~~ educational certificate for  
422 inspection by the members for 5 years after a director's  
423 election or the duration of the director's uninterrupted tenure,  
424 whichever is longer. Failure to have such affidavit and ~~written~~  
425 ~~certification or~~ educational certificate on file does not affect  
426 the validity of any board action.

427 2. Any approval by unit owners called for by this chapter,  
428 or the applicable cooperative documents, must be made at a duly  
429 noticed meeting of unit owners and is subject to this chapter or  
430 the applicable cooperative documents relating to unit owner  
431 decisionmaking, except that unit owners may take action by  
432 written agreement, without meetings, on matters for which action  
433 by written agreement without meetings is expressly allowed by  
434 the applicable cooperative documents or law which provides for  
435 the unit owner action.

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436           3. Unit owners may waive notice of specific meetings if  
437 allowed by the applicable cooperative documents or law. Notice  
438 of meetings of the board of administration, shareholder  
439 meetings, except shareholder meetings called to recall board  
440 members under paragraph (f), and committee meetings may be given  
441 by electronic transmission to unit owners who consent to receive  
442 notice by electronic transmission. A unit owner who consents to  
443 receiving notices by electronic transmission is solely  
444 responsible for removing or bypassing filters that may block  
445 receipt of mass emails sent to members on behalf of the  
446 association in the course of giving electronic notices.

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

451           5. Any unit owner may tape record or videotape meetings of  
452 the unit owners subject to reasonable rules adopted by the  
453 division.

454           6. Unless otherwise provided in the bylaws, a vacancy  
455 occurring on the board before the expiration of a term may be  
456 filled by the affirmative vote of the majority of the remaining  
457 directors, even if the remaining directors constitute less than  
458 a quorum, or by the sole remaining director. In the alternative,  
459 a board may hold an election to fill the vacancy, in which case  
460 the election procedures must conform to the requirements of  
461 subparagraph 1. unless the association has opted out of the  
462 statutory election process, in which case the bylaws of the  
463 association control. Unless otherwise provided in the bylaws, a  
464 board member appointed or elected under this subparagraph shall

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465 fill the vacancy for the unexpired term of the seat being  
466 filled. Filling vacancies created by recall is governed by  
467 paragraph (f) and rules adopted by the division.

468  
469 Notwithstanding subparagraphs (b)2. and (d)1., an association  
470 may, by the affirmative vote of a majority of the total voting  
471 interests, provide for a different voting and election procedure  
472 in its bylaws, which vote may be by a proxy specifically  
473 delineating the different voting and election procedures. The  
474 different voting and election procedures may provide for  
475 elections to be conducted by limited or general proxy.

476 Section 3. Subsection (1) of section 720.3033, Florida  
477 Statutes, is amended to read:

478 720.3033 Officers and directors.-

479 (1) (a) Within 90 days after being elected or appointed to  
480 the board of a homeowners' association with at least 10 units,  
481 each director shall do both of the following:

482 1. Certify by affidavit ~~in writing~~ to the secretary of the  
483 association that he or she has read the association's  
484 declaration of covenants, articles of incorporation, bylaws, and  
485 current written rules and policies; that he or she will work to  
486 uphold such documents and policies to the best of his or her  
487 ability; and that he or she will faithfully discharge his or her  
488 fiduciary responsibility to the association's members. ~~Within 90~~  
489 ~~days after being elected or appointed to the board, in lieu of~~  
490 ~~such written certification, the newly elected or appointed~~  
491 ~~director may~~

492 2. Submit a certificate of having satisfactorily completed  
493 the educational curriculum administered by a division-approved

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494 education provider within 1 year before or 90 days after the  
495 date of election or appointment.

496 (b) The affidavit and ~~written certification or~~ educational  
497 certificate are ~~is~~ valid for the uninterrupted tenure of the  
498 director on the board. A director who does not timely file the  
499 affidavit and ~~written certification or~~ educational certificate  
500 is ~~shall be~~ suspended from the board until he or she complies  
501 with the requirement. The board may temporarily fill the vacancy  
502 during the period of suspension.

503 (c) The association shall retain each director's affidavit  
504 and ~~written certification or~~ educational certificate for  
505 inspection by the members for 5 years after the director's  
506 election. However, the failure to have the affidavit and ~~written~~  
507 ~~certification or~~ educational certificate on file does not affect  
508 the validity of any board action.

509 Section 4. This act shall take effect July 1, 2022.