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1  
2 An act relating to residential properties; amending s.  
3 617.0721, F.S.; authorizing the use of a copy,  
4 facsimile transmission, or other reliable reproduction  
5 of an original proxy vote for certain purposes;  
6 amending s. 718.111, F.S.; revising liability of unit  
7 owners under certain conditions; revising what  
8 constitutes official records of an association;  
9 amending s. 718.112, F.S.; authorizing the electronic  
10 transmission of notices of certain meetings of a  
11 condominium association irrespective of whether  
12 authorized by the association's bylaws; revising  
13 provisions relating to the voting process for  
14 providing reserves; creating s. 718.128, F.S.;  
15 authorizing condominium associations to conduct votes  
16 of the membership by online voting under certain  
17 conditions; providing that a member voting  
18 electronically is counted toward the determination of  
19 a quorum; providing applicability; amending s.  
20 719.106, F.S.; authorizing the electronic transmission  
21 of notices of certain meetings of a cooperative  
22 association irrespective of whether authorized by the  
23 association's bylaws; creating s. 719.129, F.S.;  
24 authorizing cooperative associations to conduct votes  
25 of the membership by online voting under certain  
26 conditions; providing that a member voting



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27 | electronically is counted toward the determination of  
28 | a quorum; providing applicability; amending s.  
29 | 720.303, F.S.; authorizing the electronic transmission  
30 | of notices of certain meetings of a homeowners'  
31 | association irrespective of whether authorized by the  
32 | association's bylaws; creating s. 720.317, F.S.;  
33 | authorizing homeowners' associations to conduct votes  
34 | of the membership by online voting under certain  
35 | conditions; providing that a member voting  
36 | electronically is counted toward the determination of  
37 | a quorum; providing applicability; amending s.  
38 | 718.116, F.S.; revising applicability; revising effect  
39 | of a claim of lien; amending s. 718.303, F.S.;  
40 | providing that a fine may be levied by the board under  
41 | certain conditions; revising requirements for levying  
42 | a fine or suspension; amending s. 718.707, F.S.;  
43 | extending the time period for classification as bulk  
44 | assignee or bulk buyer; amending s. 719.104, F.S.;  
45 | revising what constitutes the official records of an  
46 | association; amending s. 719.108, F.S.; revising  
47 | applicability; revising effect of a claim of lien;  
48 | amending s. 719.303, F.S.; providing that a fine may  
49 | be levied by the board under certain conditions;  
50 | revising requirements for levying a fine or  
51 | suspension; amending s. 720.301, F.S.; revising the  
52 | definition of the term "governing documents"; creating



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53 | s. 720.3015, F.S.; providing a short title; amending  
54 | s. 720.305, F.S.; revising requirements for levying a  
55 | fine or suspension; revising application of certain  
56 | provisions; amending s. 720.306, F.S.; revising  
57 | requirements for the adoption of amendments to the  
58 | governing documents; revising requirements for the  
59 | election of directors; providing an effective date.  
60 |

61 | Be It Enacted by the Legislature of the State of Florida:  
62 |

63 | Section 1. Subsection (2) of section 617.0721, Florida  
64 | Statutes, is amended to read:

65 | 617.0721 Voting by members.—

66 | (2) A member who is entitled to vote may vote in person  
67 | or, unless the articles of incorporation or the bylaws otherwise  
68 | provide, may vote by proxy executed in writing by the member or  
69 | by his or her duly authorized attorney in fact. Notwithstanding  
70 | any provision to the contrary in the articles of incorporation  
71 | or bylaws, any copy, facsimile transmission, or other reliable  
72 | reproduction of the original proxy may be substituted or used in  
73 | lieu of the original proxy for any purpose for which the  
74 | original proxy could be used if the copy, facsimile  
75 | transmission, or other reproduction is a complete reproduction  
76 | of the entire proxy. An appointment of a proxy is not valid  
77 | after 11 months following the date of its execution unless  
78 | otherwise provided in the proxy.



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79 (a) If directors or officers are to be elected by members,  
80 the bylaws may provide that such elections may be conducted by  
81 mail.

82 (b) A corporation may reject a vote, consent, waiver, or  
83 proxy appointment if the secretary or other officer or agent  
84 authorized to tabulate votes, acting in good faith, has a  
85 reasonable basis for doubting the validity of the signature on  
86 it or the signatory's authority to sign for the member.

87 Section 2. Paragraph (j) of subsection (11) and paragraph  
88 (a) of subsection (12) of section 718.111, Florida Statutes, are  
89 amended to read:

90 718.111 The association.—

91 (11) INSURANCE.—In order to protect the safety, health,  
92 and welfare of the people of the State of Florida and to ensure  
93 consistency in the provision of insurance coverage to  
94 condominiums and their unit owners, this subsection applies to  
95 every residential condominium in the state, regardless of the  
96 date of its declaration of condominium. It is the intent of the  
97 Legislature to encourage lower or stable insurance premiums for  
98 associations described in this subsection.

99 (j) Any portion of the condominium property that must be  
100 insured by the association against property loss pursuant to  
101 paragraph (f) which is damaged by an insurable event shall be  
102 reconstructed, repaired, or replaced as necessary by the  
103 association as a common expense. In the absence of an insurable  
104 event, the association or the unit owners shall be responsible



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105 | for the reconstruction, repair, or replacement, as determined by  
106 | the maintenance provisions of the declaration or bylaws. All  
107 | property insurance deductibles, ~~uninsured losses,~~ and other  
108 | damages in excess of property insurance coverage under the  
109 | property insurance policies maintained by the association are a  
110 | common expense of the condominium, except that:

111 |       1. A unit owner is responsible for the costs of repair or  
112 | replacement of any portion of the condominium property not paid  
113 | by insurance proceeds if such damage is caused by intentional  
114 | conduct, negligence, or failure to comply with the terms of the  
115 | declaration or the rules of the association by a unit owner, the  
116 | members of his or her family, unit occupants, tenants, guests,  
117 | or invitees, without compromise of the subrogation rights of the  
118 | insurer.

119 |       2. The provisions of subparagraph 1. regarding the  
120 | financial responsibility of a unit owner for the costs of  
121 | repairing or replacing other portions of the condominium  
122 | property also apply to the costs of repair or replacement of  
123 | personal property of other unit owners or the association, as  
124 | well as other property, whether real or personal, which the unit  
125 | owners are required to insure.

126 |       3. To the extent the cost of repair or reconstruction for  
127 | which the unit owner is responsible under this paragraph is  
128 | reimbursed to the association by insurance proceeds, and the  
129 | association has collected the cost of such repair or  
130 | reconstruction from the unit owner, the association shall



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131 reimburse the unit owner without the waiver of any rights of  
132 subrogation.

133 4. The association is not obligated to pay for  
134 reconstruction or repairs of property losses as a common expense  
135 if the property losses were known or should have been known to a  
136 unit owner and were not reported to the association until after  
137 the insurance claim of the association for that property was  
138 settled or resolved with finality, or denied because it was  
139 untimely filed.

140 (12) OFFICIAL RECORDS.—

141 (a) From the inception of the association, the association  
142 shall maintain each of the following items, if applicable, which  
143 constitutes the official records of the association:

144 1. A copy of the plans, permits, warranties, and other  
145 items provided by the developer pursuant to s. 718.301(4).

146 2. A photocopy of the recorded declaration of condominium  
147 of each condominium operated by the association and each  
148 amendment to each declaration.

149 3. A photocopy of the recorded bylaws of the association  
150 and each amendment to the bylaws.

151 4. A certified copy of the articles of incorporation of  
152 the association, or other documents creating the association,  
153 and each amendment thereto.

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

155 6. A book or books that contain the minutes of all  
156 meetings of the association, the board of administration, and



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157 | the unit owners, which minutes must be retained for at least 7  
158 | years.

159 |         7. A current roster of all unit owners and their mailing  
160 | addresses, unit identifications, voting certifications, and, if  
161 | known, telephone numbers. The association shall also maintain  
162 | the electronic mailing addresses and facsimile numbers of unit  
163 | owners consenting to receive notice by electronic transmission.  
164 | The electronic mailing addresses and facsimile numbers are not  
165 | accessible to unit owners if consent to receive notice by  
166 | electronic transmission is not provided in accordance with  
167 | subparagraph (c)5. However, the association is not liable for an  
168 | inadvertent disclosure of the electronic mail address or  
169 | facsimile number for receiving electronic transmission of  
170 | notices.

171 |         8. All current insurance policies of the association and  
172 | condominiums operated by the association.

173 |         9. A current copy of any management agreement, lease, or  
174 | other contract to which the association is a party or under  
175 | which the association or the unit owners have an obligation or  
176 | responsibility.

177 |         10. Bills of sale or transfer for all property owned by  
178 | the association.

179 |         11. Accounting records for the association and separate  
180 | accounting records for each condominium that the association  
181 | operates. All accounting records must be maintained for at least  
182 | 7 years. Any person who knowingly or intentionally defaces or



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183 destroys such records, or who knowingly or intentionally fails  
184 to create or maintain such records, with the intent of causing  
185 harm to the association or one or more of its members, is  
186 personally subject to a civil penalty pursuant to s.

187 718.501(1)(d). The accounting records must include, but are not  
188 limited to:

189 a. Accurate, itemized, and detailed records of all  
190 receipts and expenditures.

191 b. A current account and a monthly, bimonthly, or  
192 quarterly statement of the account for each unit designating the  
193 name of the unit owner, the due date and amount of each  
194 assessment, the amount paid on the account, and the balance due.

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

197 d. All contracts for work to be performed. Bids for work  
198 to be performed are also considered official records and must be  
199 maintained by the association.

200 12. Ballots, sign-in sheets, voting proxies, and all other  
201 papers relating to voting by unit owners, which must be  
202 maintained for 1 year from the date of the election, vote, or  
203 meeting to which the document relates, notwithstanding paragraph  
204 (b).

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

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





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209           15. All other written records of the association not  
210 specifically included in the foregoing which are related to the  
211 operation of the association.

212           16. A copy of the inspection report as described in s.  
213 718.301(4) (p).

214           Section 3. Paragraphs (d) and (f) of subsection (2) of  
215 section 718.112, Florida Statutes, are amended to read:

216           718.112 Bylaws.—

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

220           (d) Unit owner meetings.—

221           1. An annual meeting of the unit owners shall be held at  
222 the location provided in the association bylaws and, if the  
223 bylaws are silent as to the location, the meeting shall be held  
224 within 45 miles of the condominium property. However, such  
225 distance requirement does not apply to an association governing  
226 a timeshare condominium.

227           2. Unless the bylaws provide otherwise, a vacancy on the  
228 board caused by the expiration of a director's term shall be  
229 filled by electing a new board member, and the election must be  
230 by secret ballot. An election is not required if the number of  
231 vacancies equals or exceeds the number of candidates. For  
232 purposes of this paragraph, the term "candidate" means an  
233 eligible person who has timely submitted the written notice, as  
234 described in sub-subparagraph 4.a., of his or her intention to



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235 | become a candidate. Except in a timeshare or nonresidential  
236 | condominium, or if the staggered term of a board member does not  
237 | expire until a later annual meeting, or if all members' terms  
238 | would otherwise expire but there are no candidates, the terms of  
239 | all board members expire at the annual meeting, and such members  
240 | may stand for reelection unless prohibited by the bylaws. If the  
241 | bylaws or articles of incorporation permit terms of no more than  
242 | 2 years, the association board members may serve 2-year terms.  
243 | If the number of board members whose terms expire at the annual  
244 | meeting equals or exceeds the number of candidates, the  
245 | candidates become members of the board effective upon the  
246 | adjournment of the annual meeting. Unless the bylaws provide  
247 | otherwise, any remaining vacancies shall be filled by the  
248 | affirmative vote of the majority of the directors making up the  
249 | newly constituted board even if the directors constitute less  
250 | than a quorum or there is only one director. In a residential  
251 | condominium association of more than 10 units or in a  
252 | residential condominium association that does not include  
253 | timeshare units or timeshare interests, coowners of a unit may  
254 | not serve as members of the board of directors at the same time  
255 | unless they own more than one unit or unless there are not  
256 | enough eligible candidates to fill the vacancies on the board at  
257 | the time of the vacancy. A unit owner in a residential  
258 | condominium desiring to be a candidate for board membership must  
259 | comply with sub-subparagraph 4.a. and must be eligible to be a  
260 | candidate to serve on the board of directors at the time of the



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261 deadline for submitting a notice of intent to run in order to  
262 have his or her name listed as a proper candidate on the ballot  
263 or to serve on the board. A person who has been suspended or  
264 removed by the division under this chapter, or who is delinquent  
265 in the payment of any monetary obligation due to the  
266 association, is not eligible to be a candidate for board  
267 membership and may not be listed on the ballot. A person who has  
268 been convicted of any felony in this state or in a United States  
269 District or Territorial Court, or who has been convicted of any  
270 offense in another jurisdiction which would be considered a  
271 felony if committed in this state, is not eligible for board  
272 membership unless such felon's civil rights have been restored  
273 for at least 5 years as of the date such person seeks election  
274 to the board. The validity of an action by the board is not  
275 affected if it is later determined that a board member is  
276 ineligible for board membership due to having been convicted of  
277 a felony. This subparagraph does not limit the term of a member  
278 of the board of a nonresidential condominium.

279       3. The bylaws must provide the method of calling meetings  
280 of unit owners, including annual meetings. Written notice must  
281 include an agenda, must be mailed, hand delivered, or  
282 electronically transmitted to each unit owner at least 14 days  
283 before the annual meeting, and must be posted in a conspicuous  
284 place on the condominium property at least 14 continuous days  
285 before the annual meeting. Upon notice to the unit owners, the  
286 board shall, by duly adopted rule, designate a specific location



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287 on the condominium property or association property where all  
288 notices of unit owner meetings shall be posted. This requirement  
289 does not apply if there is no condominium property or  
290 association property for posting notices. In lieu of, or in  
291 addition to, the physical posting of meeting notices, the  
292 association may, by reasonable rule, adopt a procedure for  
293 conspicuously posting and repeatedly broadcasting the notice and  
294 the agenda on a closed-circuit cable television system serving  
295 the condominium association. However, if broadcast notice is  
296 used in lieu of a notice posted physically on the condominium  
297 property, the notice and agenda must be broadcast at least four  
298 times every broadcast hour of each day that a posted notice is  
299 otherwise required under this section. If broadcast notice is  
300 provided, the notice and agenda must be broadcast in a manner  
301 and for a sufficient continuous length of time so as to allow an  
302 average reader to observe the notice and read and comprehend the  
303 entire content of the notice and the agenda. Unless a unit owner  
304 waives in writing the right to receive notice of the annual  
305 meeting, such notice must be hand delivered, mailed, or  
306 electronically transmitted to each unit owner. Notice for  
307 meetings and notice for all other purposes must be mailed to  
308 each unit owner at the address last furnished to the association  
309 by the unit owner, or hand delivered to each unit owner.  
310 However, if a unit is owned by more than one person, the  
311 association must provide notice to the address that the  
312 developer identifies for that purpose and thereafter as one or



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313 | more of the owners of the unit advise the association in  
314 | writing, or if no address is given or the owners of the unit do  
315 | not agree, to the address provided on the deed of record. An  
316 | officer of the association, or the manager or other person  
317 | providing notice of the association meeting, must provide an  
318 | affidavit or United States Postal Service certificate of  
319 | mailing, to be included in the official records of the  
320 | association affirming that the notice was mailed or hand  
321 | delivered in accordance with this provision.

322 |         4. The members of the board of a residential condominium  
323 | shall be elected by written ballot or voting machine. Proxies  
324 | may not be used in electing the board in general elections or  
325 | elections to fill vacancies caused by recall, resignation, or  
326 | otherwise, unless otherwise provided in this chapter. This  
327 | subparagraph does not apply to an association governing a  
328 | timeshare condominium.

329 |         a. At least 60 days before a scheduled election, the  
330 | association shall mail, deliver, or electronically transmit, by  
331 | separate association mailing or included in another association  
332 | mailing, delivery, or transmission, including regularly  
333 | published newsletters, to each unit owner entitled to a vote, a  
334 | first notice of the date of the election. A unit owner or other  
335 | eligible person desiring to be a candidate for the board must  
336 | give written notice of his or her intent to be a candidate to  
337 | the association at least 40 days before a scheduled election.  
338 | Together with the written notice and agenda as set forth in



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339 | subparagraph 3., the association shall mail, deliver, or  
340 | electronically transmit a second notice of the election to all  
341 | unit owners entitled to vote, together with a ballot that lists  
342 | all candidates. Upon request of a candidate, an information  
343 | sheet, no larger than 8 1/2 inches by 11 inches, which must be  
344 | furnished by the candidate at least 35 days before the election,  
345 | must be included with the mailing, delivery, or transmission of  
346 | the ballot, with the costs of mailing, delivery, or electronic  
347 | transmission and copying to be borne by the association. The  
348 | association is not liable for the contents of the information  
349 | sheets prepared by the candidates. In order to reduce costs, the  
350 | association may print or duplicate the information sheets on  
351 | both sides of the paper. The division shall by rule establish  
352 | voting procedures consistent with this sub-subparagraph,  
353 | including rules establishing procedures for giving notice by  
354 | electronic transmission and rules providing for the secrecy of  
355 | ballots. Elections shall be decided by a plurality of ballots  
356 | cast. There is no quorum requirement; however, at least 20  
357 | percent of the eligible voters must cast a ballot in order to  
358 | have a valid election. A unit owner may not permit any other  
359 | person to vote his or her ballot, and any ballots improperly  
360 | cast are invalid. A unit owner who violates this provision may  
361 | be fined by the association in accordance with s. 718.303. A  
362 | unit owner who needs assistance in casting the ballot for the  
363 | reasons stated in s. 101.051 may obtain such assistance. The  
364 | regular election must occur on the date of the annual meeting.



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365 Notwithstanding this sub-subparagraph, an election is not  
366 required unless more candidates file notices of intent to run or  
367 are nominated than board vacancies exist.

368       b. Within 90 days after being elected or appointed to the  
369 board of an association of a residential condominium, each newly  
370 elected or appointed director shall certify in writing to the  
371 secretary of the association that he or she has read the  
372 association's declaration of condominium, articles of  
373 incorporation, bylaws, and current written policies; that he or  
374 she will work to uphold such documents and policies to the best  
375 of his or her ability; and that he or she will faithfully  
376 discharge his or her fiduciary responsibility to the  
377 association's members. In lieu of this written certification,  
378 within 90 days after being elected or appointed to the board,  
379 the newly elected or appointed director may submit a certificate  
380 of having satisfactorily completed the educational curriculum  
381 administered by a division-approved condominium education  
382 provider within 1 year before or 90 days after the date of  
383 election or appointment. The written certification or  
384 educational certificate is valid and does not have to be  
385 resubmitted as long as the director serves on the board without  
386 interruption. A director of an association of a residential  
387 condominium who fails to timely file the written certification  
388 or educational certificate is suspended from service on the  
389 board until he or she complies with this sub-subparagraph. The  
390 board may temporarily fill the vacancy during the period of



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391 suspension. The secretary shall cause the association to retain  
392 a director's written certification or educational certificate  
393 for inspection by the members for 5 years after a director's  
394 election or the duration of the director's uninterrupted tenure,  
395 whichever is longer. Failure to have such written certification  
396 or educational certificate on file does not affect the validity  
397 of any board action.

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

400 5. Any approval by unit owners called for by this chapter  
401 or the applicable declaration or bylaws, including, but not  
402 limited to, the approval requirement in s. 718.111(8), must be  
403 made at a duly noticed meeting of unit owners and is subject to  
404 all requirements of this chapter or the applicable condominium  
405 documents relating to unit owner decisionmaking, except that  
406 unit owners may take action by written agreement, without  
407 meetings, on matters for which action by written agreement  
408 without meetings is expressly allowed by the applicable bylaws  
409 or declaration or any law that provides for such action.

410 6. Unit owners may waive notice of specific meetings if  
411 allowed by the applicable bylaws or declaration or any law. ~~If~~  
412 ~~authorized by the bylaws,~~ Notice of meetings of the board of  
413 administration, unit owner meetings, except unit owner meetings  
414 called to recall board members under paragraph (j), and  
415 committee meetings may be given by electronic transmission to  
416 unit owners who consent to receive notice by electronic





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417 transmission.

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

422           8. A unit owner may tape record or videotape a meeting of  
423 the unit owners subject to reasonable rules adopted by the  
424 division.

425           9. Unless otherwise provided in the bylaws, any vacancy  
426 occurring on the board before the expiration of a term may be  
427 filled by the affirmative vote of the majority of the remaining  
428 directors, even if the remaining directors constitute less than  
429 a quorum, or by the sole remaining director. In the alternative,  
430 a board may hold an election to fill the vacancy, in which case  
431 the election procedures must conform to sub-subparagraph 4.a.  
432 unless the association governs 10 units or fewer and has opted  
433 out of the statutory election process, in which case the bylaws  
434 of the association control. Unless otherwise provided in the  
435 bylaws, a board member appointed or elected under this section  
436 shall fill the vacancy for the unexpired term of the seat being  
437 filled. Filling vacancies created by recall is governed by  
438 paragraph (j) and rules adopted by the division.

439           10. This chapter does not limit the use of general or  
440 limited proxies, require the use of general or limited proxies,  
441 or require the use of a written ballot or voting machine for any  
442 agenda item or election at any meeting of a timeshare



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443 condominium association or nonresidential condominium  
444 association.

445  
446 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
447 association of 10 or fewer units may, by affirmative vote of a  
448 majority of the total voting interests, provide for different  
449 voting and election procedures in its bylaws, which may be by a  
450 proxy specifically delineating the different voting and election  
451 procedures. The different voting and election procedures may  
452 provide for elections to be conducted by limited or general  
453 proxy.

454 (f) Annual budget.—

455 1. The proposed annual budget of estimated revenues and  
456 expenses must be detailed and must show the amounts budgeted by  
457 accounts and expense classifications, including, at a minimum,  
458 any if applicable, ~~but not limited to, those~~ expenses listed in  
459 s. 718.504(21). A multicondominium association shall adopt a  
460 separate budget of common expenses for each condominium the  
461 association operates and shall adopt a separate budget of common  
462 expenses for the association. In addition, if the association  
463 maintains limited common elements with the cost to be shared  
464 only by those entitled to use the limited common elements as  
465 provided for in s. 718.113(1), the budget or a schedule attached  
466 to it must show the amount budgeted for this maintenance. If,  
467 after turnover of control of the association to the unit owners,  
468 any of the expenses listed in s. 718.504(21) are not applicable,



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469 they need not be listed.

470       2.a. In addition to annual operating expenses, the budget  
471 must include reserve accounts for capital expenditures and  
472 deferred maintenance. These accounts must include, but are not  
473 limited to, roof replacement, building painting, and pavement  
474 resurfacing, regardless of the amount of deferred maintenance  
475 expense or replacement cost, and ~~for~~ any other item that has a  
476 deferred maintenance expense or replacement cost that exceeds  
477 \$10,000. The amount to be reserved must be computed using a  
478 formula based upon estimated remaining useful life and estimated  
479 replacement cost or deferred maintenance expense of each reserve  
480 item. The association may adjust replacement reserve assessments  
481 annually to take into account any changes in estimates or  
482 extension of the useful life of a reserve item caused by  
483 deferred maintenance. This subsection does not apply to an  
484 adopted budget in which the members of an association have  
485 determined, by a majority vote at a duly called meeting of the  
486 association, to provide no reserves or less reserves than  
487 required by this subsection.

488       b. ~~Before However, prior to~~ turnover of control of an  
489 association by a developer to unit owners other than a developer  
490 pursuant to s. 718.301, the developer may vote the voting  
491 interests allocated to its units to waive the reserves or reduce  
492 the funding of reserves through the period expiring at the end  
493 of the second fiscal year after the fiscal year in which the  
494 certificate of a surveyor and mapper is recorded pursuant to s.



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495 718.104(4)(e) or an instrument that transfers title to a unit in  
496 the condominium which is not accompanied by a recorded  
497 assignment of developer rights in favor of the grantee of such  
498 unit is recorded, whichever occurs first, after which time  
499 reserves may be waived or reduced only upon the vote of a  
500 majority of all nondeveloper voting interests voting in person  
501 or by limited proxy at a duly called meeting of the association.  
502 If a meeting of the unit owners has been called to determine  
503 whether to waive or reduce the funding of reserves, and no such  
504 result is achieved or a quorum is not attained, the reserves  
505 included in the budget shall go into effect. After the turnover,  
506 the developer may vote its voting interest to waive or reduce  
507 the funding of reserves.

508 3. Reserve funds and any interest accruing thereon shall  
509 remain in the reserve account or accounts, and may be used only  
510 for authorized reserve expenditures unless their use for other  
511 purposes is approved in advance by a majority vote at a duly  
512 called meeting of the association. Before ~~Prior to~~ turnover of  
513 control of an association by a developer to unit owners other  
514 than the developer pursuant to s. 718.301, the developer-  
515 controlled association may ~~shall~~ not vote to use reserves for  
516 purposes other than those ~~that~~ for which they were intended  
517 without the approval of a majority of all nondeveloper voting  
518 interests, voting in person or by limited proxy at a duly called  
519 meeting of the association.

520 4. The only voting interests that are eligible to vote on



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521 questions that involve waiving or reducing the funding of  
522 reserves, or using existing reserve funds for purposes other  
523 than purposes for which the reserves were intended, are the  
524 voting interests of the units subject to assessment to fund the  
525 reserves in question. Proxy questions relating to waiving or  
526 reducing the funding of reserves or using existing reserve funds  
527 for purposes other than purposes for which the reserves were  
528 intended must ~~shall~~ contain the following statement in  
529 capitalized, bold letters in a font size larger than any other  
530 used on the face of the proxy ballot: WAIVING OF RESERVES, IN  
531 WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING  
532 RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF  
533 UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

534 Section 4. Section 718.128, Florida Statutes, is created  
535 to read:

536 718.128 Electronic voting.—The association may conduct  
537 elections and other unit owner votes through an internet-based  
538 online voting system if a unit owner consents, in writing, to  
539 online voting and if the following requirements are met:

540 (1) The association provides each unit owner with:

541 (a) A method to authenticate the unit owner's identity to  
542 the online voting system.

543 (b) For elections of the board, a method to transmit an  
544 electronic ballot to the online voting system that ensures the  
545 secrecy and integrity of each ballot.

546 (c) A method to confirm, at least 14 days before the



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547 voting deadline, that the unit owner's electronic device can  
548 successfully communicate with the online voting system.

549 (2) The association uses an online voting system that is:

550 (a) Able to authenticate the unit owner's identity.

551 (b) Able to authenticate the validity of each electronic  
552 vote to ensure that the vote is not altered in transit.

553 (c) Able to transmit a receipt from the online voting  
554 system to each unit owner who casts an electronic vote.

555 (d) For elections of the board of administration, able to  
556 permanently separate any authentication or identifying  
557 information from the electronic election ballot, rendering it  
558 impossible to tie an election ballot to a specific unit owner.

559 (e) Able to store and keep electronic votes accessible to  
560 election officials for recount, inspection, and review purposes.

561 (3) A unit owner voting electronically pursuant to this  
562 section shall be counted as being in attendance at the meeting  
563 for purposes of determining a quorum. A substantive vote of the  
564 unit owners may not be taken on any issue other than the issues  
565 specifically identified in the electronic vote, when a quorum is  
566 established based on unit owners voting electronically pursuant  
567 to this section.

568 (4) This section applies to an association that provides  
569 for and authorizes an online voting system pursuant to this  
570 section by a board resolution. The board resolution must provide  
571 that unit owners receive notice of the opportunity to vote  
572 through an online voting system, must establish reasonable



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573 procedures and deadlines for unit owners to consent, in writing,  
574 to online voting, and must establish reasonable procedures and  
575 deadlines for unit owners to opt out of online voting after  
576 giving consent. Written notice of a meeting at which the  
577 resolution will be considered must be mailed, delivered, or  
578 electronically transmitted to the unit owners and posted  
579 conspicuously on the condominium property or association  
580 property at least 14 days before the meeting. Evidence of  
581 compliance with the 14-day notice requirement must be made by an  
582 affidavit executed by the person providing the notice and filed  
583 with the official records of the association.

584 (5) A unit owner's consent to online voting is valid until  
585 the unit owner opts out of online voting according to the  
586 procedures established by the board of administration pursuant  
587 to subsection (4).

588 (6) This section may apply to any matter that requires a  
589 vote of the unit owners who are not members of a timeshare  
590 condominium association.

591 Section 5. Paragraph (d) of subsection (1) of section  
592 719.106, Florida Statutes, is amended to read:

593 719.106 Bylaws; cooperative ownership.—

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

597 (d) Shareholder meetings.—There shall be an annual meeting  
598 of the shareholders. All members of the board of administration



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599 shall be elected at the annual meeting unless the bylaws provide  
600 for staggered election terms or for their election at another  
601 meeting. Any unit owner desiring to be a candidate for board  
602 membership must comply with subparagraph 1. The bylaws must  
603 provide the method for calling meetings, including annual  
604 meetings. Written notice, which must incorporate an  
605 identification of agenda items, shall be given to each unit  
606 owner at least 14 days before the annual meeting and posted in a  
607 conspicuous place on the cooperative property at least 14  
608 continuous days preceding the annual meeting. Upon notice to the  
609 unit owners, the board must by duly adopted rule designate a  
610 specific location on the cooperative property upon which all  
611 notice of unit owner meetings are posted. In lieu of or in  
612 addition to the physical posting of the meeting notice, the  
613 association may, by reasonable rule, adopt a procedure for  
614 conspicuously posting and repeatedly broadcasting the notice and  
615 the agenda on a closed-circuit cable television system serving  
616 the cooperative association. However, if broadcast notice is  
617 used in lieu of a posted notice, the notice and agenda must be  
618 broadcast at least four times every broadcast hour of each day  
619 that a posted notice is otherwise required under this section.  
620 If broadcast notice is provided, the notice and agenda must be  
621 broadcast in a manner and for a sufficient continuous length of  
622 time to allow an average reader to observe the notice and read  
623 and comprehend the entire content of the notice and the agenda.  
624 Unless a unit owner waives in writing the right to receive





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625 notice of the annual meeting, the notice of the annual meeting  
626 must be sent by mail, hand delivered, or electronically  
627 transmitted to each unit owner. An officer of the association  
628 must provide an affidavit or United States Postal Service  
629 certificate of mailing, to be included in the official records  
630 of the association, affirming that notices of the association  
631 meeting were mailed, hand delivered, or electronically  
632 transmitted, in accordance with this provision, to each unit  
633 owner at the address last furnished to the association.

634 1. The board of administration shall be elected by written  
635 ballot or voting machine. A proxy may not be used in electing  
636 the board of administration in general elections or elections to  
637 fill vacancies caused by recall, resignation, or otherwise  
638 unless otherwise provided in this chapter.

639 a. At least 60 days before a scheduled election, the  
640 association shall mail, deliver, or transmit, whether by  
641 separate association mailing, delivery, or electronic  
642 transmission or included in another association mailing,  
643 delivery, or electronic transmission, including regularly  
644 published newsletters, to each unit owner entitled to vote, a  
645 first notice of the date of the election. Any unit owner or  
646 other eligible person desiring to be a candidate for the board  
647 of administration must give written notice to the association at  
648 least 40 days before a scheduled election. Together with the  
649 written notice and agenda as set forth in this section, the  
650 association shall mail, deliver, or electronically transmit a



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651 second notice of election to all unit owners entitled to vote,  
652 together with a ballot that lists all candidates. Upon request  
653 of a candidate, the association shall include an information  
654 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
655 furnished by the candidate at least 35 days before the election,  
656 to be included with the mailing, delivery, or electronic  
657 transmission of the ballot, with the costs of mailing, delivery,  
658 or transmission and copying to be borne by the association. The  
659 association is not liable for the contents of the information  
660 sheets provided by the candidates. In order to reduce costs, the  
661 association may print or duplicate the information sheets on  
662 both sides of the paper. The division shall by rule establish  
663 voting procedures consistent with this subparagraph, including  
664 rules establishing procedures for giving notice by electronic  
665 transmission and rules providing for the secrecy of ballots.  
666 Elections shall be decided by a plurality of those ballots cast.  
667 There is no quorum requirement. However, at least 20 percent of  
668 the eligible voters must cast a ballot in order to have a valid  
669 election. A unit owner may not permit any other person to vote  
670 his or her ballot, and any such ballots improperly cast are  
671 invalid. A unit owner who needs assistance in casting the ballot  
672 for the reasons stated in s. 101.051 may obtain assistance in  
673 casting the ballot. Any unit owner violating this provision may  
674 be fined by the association in accordance with s. 719.303. The  
675 regular election must occur on the date of the annual meeting.  
676 This subparagraph does not apply to timeshare cooperatives.



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677 Notwithstanding this subparagraph, an election and balloting are  
678 not required unless more candidates file a notice of intent to  
679 run or are nominated than vacancies exist on the board. Any  
680 challenge to the election process must be commenced within 60  
681 days after the election results are announced.

682       b. Within 90 days after being elected or appointed to the  
683 board, each new director shall certify in writing to the  
684 secretary of the association that he or she has read the  
685 association's bylaws, articles of incorporation, proprietary  
686 lease, and current written policies; that he or she will work to  
687 uphold such documents and policies to the best of his or her  
688 ability; and that he or she will faithfully discharge his or her  
689 fiduciary responsibility to the association's members. Within 90  
690 days after being elected or appointed to the board, in lieu of  
691 this written certification, the newly elected or appointed  
692 director may submit a certificate of having satisfactorily  
693 completed the educational curriculum administered by an  
694 education provider as approved by the division pursuant to the  
695 requirements established in chapter 718 within 1 year before or  
696 90 days after the date of election or appointment. The  
697 educational certificate is valid and does not have to be  
698 resubmitted as long as the director serves on the board without  
699 interruption. A director who fails to timely file the written  
700 certification or educational certificate is suspended from  
701 service on the board until he or she complies with this sub-  
702 subparagraph. The board may temporarily fill the vacancy during



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703 the period of suspension. The secretary of the association shall  
704 cause the association to retain a director's written  
705 certification or educational certificate for inspection by the  
706 members for 5 years after a director's election or the duration  
707 of the director's uninterrupted tenure, whichever is longer.  
708 Failure to have such written certification or educational  
709 certificate on file does not affect the validity of any board  
710 action.

711 2. Any approval by unit owners called for by this chapter,  
712 or the applicable cooperative documents, must be made at a duly  
713 noticed meeting of unit owners and is subject to this chapter or  
714 the applicable cooperative documents relating to unit owner  
715 decisionmaking, except that unit owners may take action by  
716 written agreement, without meetings, on matters for which action  
717 by written agreement without meetings is expressly allowed by  
718 the applicable cooperative documents or law which provides for  
719 the unit owner action.

720 3. Unit owners may waive notice of specific meetings if  
721 allowed by the applicable cooperative documents or law. ~~If~~  
722 ~~authorized by the bylaws,~~ Notice of meetings of the board of  
723 administration, shareholder meetings, except shareholder  
724 meetings called to recall board members under paragraph (f), and  
725 committee meetings may be given by electronic transmission to  
726 unit owners who consent to receive notice by electronic  
727 transmission.

728 4. Unit owners have the right to participate in meetings



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729 of unit owners with reference to all designated agenda items.  
730 However, the association may adopt reasonable rules governing  
731 the frequency, duration, and manner of unit owner participation.

732 5. Any unit owner may tape record or videotape meetings of  
733 the unit owners subject to reasonable rules adopted by the  
734 division.

735 6. Unless otherwise provided in the bylaws, a vacancy  
736 occurring on the board before the expiration of a term may be  
737 filled by the affirmative vote of the majority of the remaining  
738 directors, even if the remaining directors constitute less than  
739 a quorum, or by the sole remaining director. In the alternative,  
740 a board may hold an election to fill the vacancy, in which case  
741 the election procedures must conform to the requirements of  
742 subparagraph 1. unless the association has opted out of the  
743 statutory election process, in which case the bylaws of the  
744 association control. Unless otherwise provided in the bylaws, a  
745 board member appointed or elected under this subparagraph shall  
746 fill the vacancy for the unexpired term of the seat being  
747 filled. Filling vacancies created by recall is governed by  
748 paragraph (f) and rules adopted by the division.

749  
750 Notwithstanding subparagraphs (b)2. and (d)1., an association  
751 may, by the affirmative vote of a majority of the total voting  
752 interests, provide for a different voting and election procedure  
753 in its bylaws, which vote may be by a proxy specifically  
754 delineating the different voting and election procedures. The



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755 | different voting and election procedures may provide for  
756 | elections to be conducted by limited or general proxy.

757 |       Section 6. Section 719.129, Florida Statutes, is created  
758 | to read:

759 |       719.129 Electronic voting.—The association may conduct  
760 | elections and other unit owner votes through an internet-based  
761 | online voting system if a unit owner consents, in writing, to  
762 | online voting and if the following requirements are met:

763 |       (1) The association provides each unit owner with:

764 |       (a) A method to authenticate the unit owner's identity to  
765 | the online voting system.

766 |       (b) For elections of the board, a method to transmit an  
767 | electronic ballot to the online voting system that ensures the  
768 | secrecy and integrity of each ballot.

769 |       (c) A method to confirm, at least 14 days before the  
770 | voting deadline, that the unit owner's electronic device can  
771 | successfully communicate with the online voting system.

772 |       (2) The association uses an online voting system that is:

773 |       (a) Able to authenticate the unit owner's identity.

774 |       (b) Able to authenticate the validity of each electronic  
775 | vote to ensure that the vote is not altered in transit.

776 |       (c) Able to transmit a receipt from the online voting  
777 | system to each unit owner who casts an electronic vote.

778 |       (d) For elections of the board of administration, able to  
779 | permanently separate any authentication or identifying  
780 | information from the electronic election ballot, rendering it



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781 impossible to tie an election ballot to a specific unit owner.

782 (e) Able to store and keep electronic votes accessible to

783 election officials for recount, inspection, and review purposes.

784 (3) A unit owner voting electronically pursuant to this

785 section shall be counted as being in attendance at the meeting

786 for purposes of determining a quorum. A substantive vote of the

787 unit owners may not be taken on any issue other than the issues

788 specifically identified in the electronic vote, when a quorum is

789 established based on unit owners voting electronically pursuant

790 to this section.

791 (4) This section applies to an association that provides

792 for and authorizes an online voting system pursuant to this

793 section by a board resolution. The board resolution must provide

794 that unit owners receive notice of the opportunity to vote

795 through an online voting system, must establish reasonable

796 procedures and deadlines for unit owners to consent, in writing,

797 to online voting, and must establish reasonable procedures and

798 deadlines for unit owners to opt out of online voting after

799 giving consent. Written notice of a meeting at which the

800 resolution will be considered must be mailed, delivered, or

801 electronically transmitted to the unit owners and posted

802 conspicuously on the condominium property or association

803 property at least 14 days before the meeting. Evidence of

804 compliance with the 14-day notice requirement must be made by an

805 affidavit executed by the person providing the notice and filed

806 with the official records of the association.



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807       (5) A unit owner's consent to online voting is valid until  
808 the unit owner opts out of online voting pursuant to the  
809 procedures established by the board of administration pursuant  
810 to subsection (4).

811       (6) This section may apply to any matter that requires a  
812 vote of the unit owners who are not members of a timeshare  
813 cooperative association.

814       Section 7. Paragraph (c) of subsection (2) of section  
815 720.303, Florida Statutes, is amended to read:

816       720.303 Association powers and duties; meetings of board;  
817 official records; budgets; financial reporting; association  
818 funds; recalls.—

819       (2) BOARD MEETINGS.—

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

823       1. Notices of all board meetings must be posted in a  
824 conspicuous place in the community at least 48 hours in advance  
825 of a meeting, except in an emergency. In the alternative, if  
826 notice is not posted in a conspicuous place in the community,  
827 notice of each board meeting must be mailed or delivered to each  
828 member at least 7 days before the meeting, except in an  
829 emergency. Notwithstanding this general notice requirement, for  
830 communities with more than 100 members, the bylaws may provide  
831 for a reasonable alternative to posting or mailing of notice for  
832 each board meeting, including publication of notice, provision





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833 of a schedule of board meetings, or the conspicuous posting and  
834 repeated broadcasting of the notice on a closed-circuit cable  
835 television system serving the homeowners' association. However,  
836 if broadcast notice is used in lieu of a notice posted  
837 physically in the community, the notice must be broadcast at  
838 least four times every broadcast hour of each day that a posted  
839 notice is otherwise required. When broadcast notice is provided,  
840 the notice and agenda must be broadcast in a manner and for a  
841 sufficient continuous length of time so as to allow an average  
842 reader to observe the notice and read and comprehend the entire  
843 content of the notice and the agenda. The association bylaws ~~or~~  
844 ~~amended bylaws~~ may provide ~~for giving~~ notice by electronic  
845 transmission in a manner authorized by law for meetings of the  
846 board of directors, committee meetings requiring notice under  
847 this section, and annual and special meetings of the members;  
848 however, a member must consent in writing to receiving notice by  
849 electronic transmission.

850 2. An assessment may not be levied at a board meeting  
851 unless the notice of the meeting includes a statement that  
852 assessments will be considered and the nature of the  
853 assessments. Written notice of any meeting at which special  
854 assessments will be considered or at which amendments to rules  
855 regarding parcel use will be considered must be mailed,  
856 delivered, or electronically transmitted to the members and  
857 parcel owners and posted conspicuously on the property or  
858 broadcast on closed-circuit cable television not less than 14



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859 days before the meeting.

860 3. Directors may not vote by proxy or by secret ballot at  
861 board meetings, except that secret ballots may be used in the  
862 election of officers. This subsection also applies to the  
863 meetings of any committee or other similar body, when a final  
864 decision will be made regarding the expenditure of association  
865 funds, and to any body vested with the power to approve or  
866 disapprove architectural decisions with respect to a specific  
867 parcel of residential property owned by a member of the  
868 community.

869 Section 8. Section 720.317, Florida Statutes, is created  
870 to read:

871 720.317 Electronic voting.—The association may conduct  
872 elections and other membership votes through an internet-based  
873 online voting system if a member consents, in writing, to online  
874 voting and if the following requirements are met:

875 (1) The association provides each member with:

876 (a) A method to authenticate the member's identity to the  
877 online voting system.

878 (b) A method to confirm, at least 14 days before the  
879 voting deadline, that the member's electronic device can  
880 successfully communicate with the online voting system.

881 (c) A method that is consistent with the election and  
882 voting procedures in the association's bylaws.

883 (2) The association uses an online voting system that is:

884 (a) Able to authenticate the member's identity.



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885        (b) Able to authenticate the validity of each electronic  
886 vote to ensure that the vote is not altered in transit.

887        (c) Able to transmit a receipt from the online voting  
888 system to each member who casts an electronic vote.

889        (d) Able to permanently separate any authentication or  
890 identifying information from the electronic election ballot,  
891 rendering it impossible to tie an election ballot to a specific  
892 member. This paragraph only applies if the association's bylaws  
893 provide for secret ballots for the election of directors.

894        (e) Able to store and keep electronic ballots accessible  
895 to election officials for recount, inspection, and review  
896 purposes.

897        (3) A member voting electronically pursuant to this  
898 section shall be counted as being in attendance at the meeting  
899 for purposes of determining a quorum.

900        (4) This section applies to an association that provides  
901 for and authorizes an online voting system pursuant to this  
902 section by a board resolution. The board resolution must provide  
903 that members receive notice of the opportunity to vote through  
904 an online voting system, must establish reasonable procedures  
905 and deadlines for members to consent, in writing, to online  
906 voting, and must establish reasonable procedures and deadlines  
907 for members to opt out of online voting after giving consent.  
908 Written notice of a meeting at which the board resolution  
909 regarding online voting will be considered must be mailed,  
910 delivered, or electronically transmitted to the unit owners and



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911 posted conspicuously on the condominium property or association  
912 property at least 14 days before the meeting. Evidence of  
913 compliance with the 14-day notice requirement must be made by an  
914 affidavit executed by the person providing the notice and filed  
915 with the official records of the association.

916 (5) A member's consent to online voting is valid until the  
917 member opts out of online voting pursuant to the procedures  
918 established by the board of administration pursuant to  
919 subsection (4).

920 (6) This section may apply to any matter that requires a  
921 vote of the members.

922 Section 9. Subsection (3) and paragraph (b) of subsection  
923 (5) of section 718.116, Florida Statutes, are amended to read:

924 718.116 Assessments; liability; lien and priority;  
925 interest; collection.—

926 (3) Assessments and installments on assessments which are  
927 not paid when due bear interest at the rate provided in the  
928 declaration, from the due date until paid. The rate may not  
929 exceed the rate allowed by law, and, if no rate is provided in  
930 the declaration, interest accrues at the rate of 18 percent per  
931 year. If provided by the declaration or bylaws, the association  
932 may, in addition to such interest, charge an administrative late  
933 fee of up to the greater of \$25 or 5 percent of each delinquent  
934 installment for which the payment is late. Any payment received  
935 by an association must be applied first to any interest accrued  
936 by the association, then to any administrative late fee, then to



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937 any costs and reasonable attorney ~~attorney's~~ fees incurred in  
938 collection, and then to the delinquent assessment. The foregoing  
939 is applicable notwithstanding s. 673.3111, any purported accord  
940 and satisfaction, or any restrictive endorsement, designation,  
941 or instruction placed on or accompanying a payment. The  
942 preceding sentence is intended to clarify existing law. A late  
943 fee is not subject to chapter 687 or s. 718.303(4).

944 (5)

945 (b) To be valid, a claim of lien must state the  
946 description of the condominium parcel, the name of the record  
947 owner, the name and address of the association, the amount due,  
948 and the due dates. It must be executed and acknowledged by an  
949 officer or authorized agent of the association. The lien is not  
950 effective 1 year after the claim of lien was recorded unless,  
951 within that time, an action to enforce the lien is commenced.  
952 The 1-year period is automatically extended for any length of  
953 time during which the association is prevented from filing a  
954 foreclosure action by an automatic stay resulting from a  
955 bankruptcy petition filed by the parcel owner or any other  
956 person claiming an interest in the parcel. The claim of lien  
957 secures all unpaid assessments that are due and that may accrue  
958 after the claim of lien is recorded and through the entry of a  
959 final judgment, as well as interest, administrative late fees,  
960 and all reasonable costs and attorney ~~attorney's~~ fees incurred  
961 by the association incident to the collection process. Upon  
962 payment in full, the person making the payment is entitled to a



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963 satisfaction of the lien.

964 Section 10. Subsections (3), (4), and (5) of section  
965 718.303, Florida Statutes, are amended, and subsection (7) is  
966 added to that section, to read:

967 718.303 Obligations of owners and occupants; remedies.—

968 (3) The association may levy reasonable fines for the  
969 failure of the owner of the unit or its occupant, licensee, or  
970 invitee to comply with any provision of the declaration, the  
971 association bylaws, or reasonable rules of the association. A  
972 fine may not become a lien against a unit. A fine may be levied  
973 by the board on the basis of each day of a continuing violation,  
974 with a single notice and opportunity for hearing before a  
975 committee as provided in paragraph (b). However, the fine may  
976 not exceed \$100 per violation, or \$1,000 in the aggregate.

977 (a) An association may suspend, for a reasonable period of  
978 time, the right of a unit owner, or a unit owner's tenant,  
979 guest, or invitee, to use the common elements, common  
980 facilities, or any other association property for failure to  
981 comply with any provision of the declaration, the association  
982 bylaws, or reasonable rules of the association. This paragraph  
983 does not apply to limited common elements intended to be used  
984 only by that unit, common elements needed to access the unit,  
985 utility services provided to the unit, parking spaces, or  
986 elevators.

987 (b) A fine or suspension levied by the board of  
988 administration may not be imposed unless the board ~~association~~



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989 first provides at least 14 days' written notice and an  
990 opportunity for a hearing to the unit owner and, if applicable,  
991 its occupant, licensee, or invitee. The hearing must be held  
992 before a committee of other unit owners who are neither board  
993 members nor persons residing in a board member's household. The  
994 role of the committee is limited to determining whether to  
995 confirm or reject the fine or suspension levied by the board. If  
996 the committee does not agree, the fine or suspension may not be  
997 imposed.

998 (4) If a unit owner is more than 90 days delinquent in  
999 paying a fee, fine, or other monetary obligation due to the  
1000 association, the association may suspend the right of the unit  
1001 owner or the unit's occupant, licensee, or invitee to use common  
1002 elements, common facilities, or any other association property  
1003 until the fee, fine, or other monetary obligation is paid in  
1004 full. This subsection does not apply to limited common elements  
1005 intended to be used only by that unit, common elements needed to  
1006 access the unit, utility services provided to the unit, parking  
1007 spaces, or elevators. The notice and hearing requirements under  
1008 subsection (3) do not apply to suspensions imposed under this  
1009 subsection.

1010 (5) An association may suspend the voting rights of a unit  
1011 or member due to nonpayment of any fee, fine, or other monetary  
1012 obligation due to the association which is more than 90 days  
1013 delinquent. A voting interest or consent right allocated to a  
1014 unit or member which has been suspended by the association shall



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1015 | be subtracted from ~~may not be counted towards~~ the total number  
 1016 | of voting interests in the association, which shall be reduced  
 1017 | by the number of suspended voting interests when calculating the  
 1018 | total percentage or number of all voting interests available to  
 1019 | take or approve any action, and the suspended voting interests  
 1020 | shall not be considered for any purpose, including, but not  
 1021 | limited to, the percentage or number of voting interests  
 1022 | necessary to constitute a quorum, the percentage or number of  
 1023 | voting interests required to conduct an election, or the  
 1024 | percentage or number of voting interests required to approve an  
 1025 | action under this chapter or pursuant to the declaration,  
 1026 | articles of incorporation, or bylaws. The suspension ends upon  
 1027 | full payment of all obligations currently due or overdue the  
 1028 | association. The notice and hearing requirements under  
 1029 | subsection (3) do not apply to a suspension imposed under this  
 1030 | subsection.

1031 | (7) The suspensions permitted by paragraph (3) (a) and  
 1032 | subsections (4) and (5) apply to a member and, when appropriate,  
 1033 | the member's tenants, guests, or invitees, even if the  
 1034 | delinquency or failure that resulted in the suspension arose  
 1035 | from less than all of the multiple units owned by a member.

1036 | Section 11. Section 718.707, Florida Statutes, is amended  
 1037 | to read:

1038 | 718.707 Time limitation for classification as bulk  
 1039 | assignee or bulk buyer.—A person acquiring condominium parcels  
 1040 | may not be classified as a bulk assignee or bulk buyer unless





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1041 the condominium parcels were acquired on or after July 1, 2010,  
 1042 but before July 1, 2018 ~~2016~~. The date of such acquisition shall  
 1043 be determined by the date of recording a deed or other  
 1044 instrument of conveyance for such parcels in the public records  
 1045 of the county in which the condominium is located, or by the  
 1046 date of issuing a certificate of title in a foreclosure  
 1047 proceeding with respect to such condominium parcels.

1048 Section 12. Paragraph (a) of subsection (2) of section  
 1049 719.104, Florida Statutes, is amended to read:

1050 719.104 Cooperatives; access to units; records; financial  
 1051 reports; assessments; purchase of leases.—

1052 (2) OFFICIAL RECORDS.—

1053 (a) From the inception of the association, the association  
 1054 shall maintain a copy of each of the following, where  
 1055 applicable, which shall constitute the official records of the  
 1056 association:

1057 1. The plans, permits, warranties, and other items  
 1058 provided by the developer pursuant to s. 719.301(4).

1059 2. A photocopy of the cooperative documents.

1060 3. A copy of the current rules of the association.

1061 4. A book or books containing the minutes of all meetings  
 1062 of the association, of the board of directors, and of the unit  
 1063 owners, which minutes shall be retained for a period of not less  
 1064 than 7 years.

1065 5. A current roster of all unit owners and their mailing  
 1066 addresses, unit identifications, voting certifications, and, if



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1067 known, telephone numbers. The association shall also maintain  
1068 the electronic mailing addresses and the numbers designated by  
1069 unit owners for receiving notice sent by electronic transmission  
1070 of those unit owners consenting to receive notice by electronic  
1071 transmission. The electronic mailing addresses and numbers  
1072 provided by unit owners to receive notice by electronic  
1073 transmission shall be removed from association records when  
1074 consent to receive notice by electronic transmission is revoked.  
1075 However, the association is not liable for an erroneous  
1076 disclosure of the electronic mail address or the number for  
1077 receiving electronic transmission of notices.

1078 6. All current insurance policies of the association.

1079 7. A current copy of any management agreement, lease, or  
1080 other contract to which the association is a party or under  
1081 which the association or the unit owners have an obligation or  
1082 responsibility.

1083 8. Bills of sale or transfer for all property owned by the  
1084 association.

1085 9. Accounting records for the association and separate  
1086 accounting records for each unit it operates, according to good  
1087 accounting practices. All accounting records shall be maintained  
1088 for a period of not less than 7 years. The accounting records  
1089 shall include, but not be limited to:

1090 a. Accurate, itemized, and detailed records of all  
1091 receipts and expenditures.

1092 b. A current account and a monthly, bimonthly, or



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1093 quarterly statement of the account for each unit designating the  
 1094 name of the unit owner, the due date and amount of each  
 1095 assessment, the amount paid upon the account, and the balance  
 1096 due.

1097 c. All audits, reviews, accounting statements, and  
 1098 financial reports of the association.

1099 d. All contracts for work to be performed. Bids for work  
 1100 to be performed shall also be considered official records and  
 1101 shall be maintained for a period of 1 year.

1102 10. Ballots, sign-in sheets, voting proxies, and all other  
 1103 papers relating to voting by unit owners, which shall be  
 1104 maintained for a period of 1 year after the date of the  
 1105 election, vote, or meeting to which the document relates.

1106 11. All rental records where the association is acting as  
 1107 agent for the rental of units.

1108 12. A copy of the current question and answer sheet as  
 1109 described in s. 719.504.

1110 13. All other written records of the association not  
 1111 specifically included in the foregoing which are related to the  
 1112 operation of the association.

1113 Section 13. Subsections (3) and (4) of section 719.108,  
 1114 Florida Statutes, are amended to read:

1115 719.108 Rents and assessments; liability; lien and  
 1116 priority; interest; collection; cooperative ownership.—

1117 (3) Rents and assessments, and installments on them, not  
 1118 paid when due bear interest at the rate provided in the



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1119 cooperative documents from the date due until paid. This rate  
1120 may not exceed the rate allowed by law and, if a rate is not  
1121 provided in the cooperative documents, accrues at 18 percent per  
1122 annum. If the cooperative documents or bylaws so provide, the  
1123 association may charge an administrative late fee in addition to  
1124 such interest, not to exceed the greater of \$25 or 5 percent of  
1125 each installment of the assessment for each delinquent  
1126 installment that the payment is late. Any payment received by an  
1127 association must be applied first to any interest accrued by the  
1128 association, then to any administrative late fee, then to any  
1129 costs and reasonable attorney fees incurred in collection, and  
1130 then to the delinquent assessment. The foregoing applies  
1131 notwithstanding s. 673.3111, any purported accord and  
1132 satisfaction, or any restrictive endorsement, designation, or  
1133 instruction placed on or accompanying a payment. The preceding  
1134 sentence of is intended to clarify existing law. A late fee is  
1135 not subject to chapter 687 or s. 719.303(4).

1136 (4) The association has a lien on each cooperative parcel  
1137 for any unpaid rents and assessments, plus interest, and any  
1138 ~~authorized~~ administrative late fees. If authorized by the  
1139 cooperative documents, the lien also secures reasonable attorney  
1140 fees incurred by the association incident to the collection of  
1141 the rents and assessments or enforcement of such lien. The lien  
1142 is effective from and after recording a claim of lien in the  
1143 public records in the county in which the cooperative parcel is  
1144 located which states the description of the cooperative parcel,





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1171 records of the association is the address of the unit, the  
1172 notice must be sent by certified mail, return receipt requested,  
1173 to the unit owner at the address of the unit.

1174 2. If the most recent address of the unit owner on the  
1175 records of the association is in the United States, but is not  
1176 the address of the unit, the notice must be sent by certified  
1177 mail, return receipt requested, to the unit owner at his or her  
1178 most recent address.

1179 3. If the most recent address of the unit owner on the  
1180 records of the association is not in the United States, the  
1181 notice must be sent by first-class United States mail to the  
1182 unit owner at his or her most recent address.

1183 (b) A notice that is sent pursuant to this subsection is  
1184 deemed delivered upon mailing. A claim of lien must be executed  
1185 and acknowledged by an officer or authorized agent of the  
1186 association. The lien is not effective 1 year after the claim of  
1187 lien was recorded unless, within that time, an action to enforce  
1188 the lien is commenced. The 1-year period is automatically  
1189 extended for any length of time during which the association is  
1190 prevented from filing a foreclosure action by an automatic stay  
1191 resulting from a bankruptcy petition filed by the parcel owner  
1192 or any other person claiming an interest in the parcel. The  
1193 claim of lien secures all unpaid rents and assessments that are  
1194 due and that may accrue after the claim of lien is recorded and  
1195 through the entry of a final judgment, as well as interest and  
1196 all reasonable costs and attorney fees incurred by the



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1197 association incident to the collection process. Upon payment in  
 1198 full, the person making the payment is entitled to a  
 1199 satisfaction of the lien.

1200 (c) By recording a notice in substantially the following  
 1201 form, a unit owner or the unit owner's agent or attorney may  
 1202 require the association to enforce a recorded claim of lien  
 1203 against his or her cooperative parcel:

1204 NOTICE OF CONTEST OF LIEN

1205 TO: ... (Name and address of association) ...:

1206 You are notified that the undersigned contests the claim of lien  
 1207 filed by you on ....., ... (year) ..., and recorded in Official  
 1208 Records Book .... at Page ....., of the public records of ....  
 1209 County, Florida, and that the time within which you may file  
 1210 suit to enforce your lien is limited to 90 days from the date of  
 1211 service of this notice. Executed this .... day of .....,  
 1212 ... (year) ....

1213 Signed: ... (Owner or Attorney) ...

1214 After notice of contest of lien has been recorded, the clerk of  
 1215 the circuit court shall mail a copy of the recorded notice to  
 1216 the association by certified mail, return receipt requested, at  
 1217 the address shown in the claim of lien or most recent amendment  
 1218 to it and shall certify to the service on the face of the  
 1219 notice. Service is complete upon mailing. After service, the  
 1220 association has 90 days in which to file an action to enforce  
 1221 the lien. If the action is not filed within the 90-day period,  
 1222 the lien is void. However, the 90-day period shall be extended



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1223 | for any length of time during which the association is prevented  
 1224 | from filing its action because of an automatic stay resulting  
 1225 | from the filing of a bankruptcy petition by the unit owner or by  
 1226 | any other person claiming an interest in the parcel.

1227 | (d) A release of lien must be in substantially the  
 1228 | following form:

1229 | RELEASE OF LIEN

1230 | The undersigned lienor, in consideration of the final payment in  
 1231 | the amount of \$...., hereby waives and releases its lien and  
 1232 | right to claim a lien for unpaid assessments through ....,  
 1233 | ...(year)..., recorded in the Official Records Book .... at Page  
 1234 | ...., of the public records of .... County, Florida, for the  
 1235 | following described real property:

1236 | THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO. .... OF ...(NAME  
 1237 | OF COOPERATIVE)..., A COOPERATIVE AS SET FORTH IN THE  
 1238 | COOPERATIVE DOCUMENTS AND THE EXHIBITS ANNEXED THERETO AND  
 1239 | FORMING A PART THEREOF, RECORDED IN OFFICIAL RECORDS BOOK ....,  
 1240 | PAGE ...., OF THE PUBLIC RECORDS OF .... COUNTY, FLORIDA.

1241 | ...(Signature of Authorized Agent).....(Signature of Witness)...  
 1242 | ...(Print Name)... ..(Print Name)...  
 1243 | ..(Signature of Witness)...  
 1244 | ..(Print Name)...

1245 | Sworn to (or affirmed) and subscribed before me this .... day of  
 1246 | ....., ...(year)..., by ...(name of person making statement)....  
 1247 | ...(Signature of Notary Public)...  
 1248 | ...(Print, type, or stamp commissioned name of Notary Public)...





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1249 Personally Known .... OR Produced .... as identification.  
 1250 Section 14. Subsection (3) of section 719.303, Florida  
 1251 Statutes, is amended to read:  
 1252 719.303 Obligations of owners.—  
 1253 (3) The association may levy reasonable fines for failure  
 1254 of the unit owner or the unit's occupant, licensee, or invitee  
 1255 to comply with any provision of the cooperative documents or  
 1256 reasonable rules of the association. A fine may not become a  
 1257 lien against a unit. A fine may be levied by the board on the  
 1258 basis of each day of a continuing violation, with a single  
 1259 notice and opportunity for hearing before a committee as  
 1260 provided in paragraph (b). However, the fine may not exceed \$100  
 1261 per violation, or \$1,000 in the aggregate.  
 1262 (a) An association may suspend, for a reasonable period of  
 1263 time, the right of a unit owner, or a unit owner's tenant,  
 1264 guest, or invitee, to use the common elements, common  
 1265 facilities, or any other association property for failure to  
 1266 comply with any provision of the cooperative documents or  
 1267 reasonable rules of the association. This paragraph does not  
 1268 apply to limited common elements intended to be used only by  
 1269 that unit, common elements needed to access the unit, utility  
 1270 services provided to the unit, parking spaces, or elevators.  
 1271 (b) A fine or suspension levied by the board of  
 1272 administration may not be imposed unless the board first  
 1273 provides at least 14 days' written ~~except after giving~~  
 1274 ~~reasonable~~ notice and an opportunity for a hearing to the unit



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1275 owner and, if applicable, its occupant, ~~the unit's~~ licensee, or  
 1276 invitee. The hearing must be held before a committee of other  
 1277 unit owners who are neither board members nor persons residing  
 1278 in a board member's household. The role of the committee is  
 1279 limited to determining whether to confirm or reject the fine or  
 1280 suspension levied by the board. If the committee does not agree  
 1281 with the fine or suspension, it may not be imposed.

1282 Section 15. Subsection (8) of section 720.301, Florida  
 1283 Statutes, is amended to read:

1284 720.301 Definitions.—As used in this chapter, the term:

1285 (8) "Governing documents" means:

1286 (a) The recorded declaration of covenants for a community~~7~~  
 1287 and all duly adopted and recorded amendments, supplements, and  
 1288 recorded exhibits thereto; ~~and~~

1289 (b) The articles of incorporation and bylaws of the  
 1290 homeowners' association~~7~~ and any duly adopted amendments  
 1291 thereto; and

1292 (c) Rules and regulations adopted under the authority of  
 1293 the recorded declaration, articles of incorporation, or bylaws  
 1294 and duly adopted amendments thereto.

1295 Section 16. Section 720.3015, Florida Statutes, is created  
 1296 to read:

1297 720.3015 Short title.—This chapter may be cited as the  
 1298 "Homeowners' Association Act."

1299 Section 17. Section 720.305, Florida Statutes, is amended  
 1300 to read:



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1301           720.305 Obligations of members; remedies at law or in  
 1302 equity; levy of fines and suspension of use rights.—  
 1303           (1) Each member and the member's tenants, guests, and  
 1304 invitees, and each association, are governed by, and must comply  
 1305 with, this chapter, the governing documents of the community,  
 1306 and the rules of the association. Actions at law or in equity,  
 1307 or both, to redress alleged failure or refusal to comply with  
 1308 these provisions may be brought by the association or by any  
 1309 member against:  
 1310           (a) The association;  
 1311           (b) A member;  
 1312           (c) Any director or officer of an association who  
 1313 willfully and knowingly fails to comply with these provisions;  
 1314 and  
 1315           (d) Any tenants, guests, or invitees occupying a parcel or  
 1316 using the common areas.  
 1317  
 1318 The prevailing party in any such litigation is entitled to  
 1319 recover reasonable attorney ~~attorney's~~ fees and costs. A member  
 1320 prevailing in an action between the association and the member  
 1321 under this section, in addition to recovering his or her  
 1322 reasonable attorney ~~attorney's~~ fees, may recover additional  
 1323 amounts as determined by the court to be necessary to reimburse  
 1324 the member for his or her share of assessments levied by the  
 1325 association to fund its expenses of the litigation. This relief  
 1326 does not exclude other remedies provided by law. This section



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1327 does not deprive any person of any other available right or  
 1328 remedy.

1329 (2) The association may levy reasonable fines. A fine may  
 1330 not exceed ~~of up to~~ \$100 per violation against any member or any  
 1331 member's tenant, guest, or invitee for the failure of the owner  
 1332 of the parcel or its occupant, licensee, or invitee to comply  
 1333 with any provision of the declaration, the association bylaws,  
 1334 or reasonable rules of the association unless otherwise provided  
 1335 in the governing documents. A fine may be levied by the board  
 1336 for each day of a continuing violation, with a single notice and  
 1337 opportunity for hearing, except that the fine may not exceed  
 1338 \$1,000 in the aggregate unless otherwise provided in the  
 1339 governing documents. A fine of less than \$1,000 may not become a  
 1340 lien against a parcel. In any action to recover a fine, the  
 1341 prevailing party is entitled to reasonable attorney fees and  
 1342 costs from the nonprevailing party as determined by the court.

1343 (a) An association may suspend, for a reasonable period of  
 1344 time, the right of a member, or a member's tenant, guest, or  
 1345 invitee, to use common areas and facilities for the failure of  
 1346 the owner of the parcel or its occupant, licensee, or invitee to  
 1347 comply with any provision of the declaration, the association  
 1348 bylaws, or reasonable rules of the association. This paragraph  
 1349 does not apply to that portion of common areas used to provide  
 1350 access or utility services to the parcel. A suspension may not  
 1351 prohibit ~~impair the right of~~ an owner or tenant of a parcel from  
 1352 having ~~to have~~ vehicular and pedestrian ingress to and egress



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1353 from the parcel, including, but not limited to, the right to  
1354 park.

1355 (b) A fine or suspension may not be imposed by the board  
1356 of administration without at least 14 days' notice to the person  
1357 sought to be fined or suspended and an opportunity for a hearing  
1358 before a committee of at least three members appointed by the  
1359 board who are not officers, directors, or employees of the  
1360 association, or the spouse, parent, child, brother, or sister of  
1361 an officer, director, or employee. If the committee, by majority  
1362 vote, does not approve a proposed fine or suspension, it may not  
1363 be imposed. The role of the committee is limited to determining  
1364 whether to confirm or reject the fine or suspension levied by  
1365 the board. If the board of administration ~~association~~ imposes a  
1366 fine or suspension, the association must provide written notice  
1367 of such fine or suspension by mail or hand delivery to the  
1368 parcel owner and, if applicable, to any tenant, licensee, or  
1369 invitee of the parcel owner.

1370 (3) If a member is more than 90 days delinquent in paying  
1371 any fee, fine, or other ~~a~~ monetary obligation due to the  
1372 association, the association may suspend the rights of the  
1373 member, or the member's tenant, guest, or invitee, to use common  
1374 areas and facilities until the fee, fine, or other monetary  
1375 obligation is paid in full. This subsection does not apply to  
1376 that portion of common areas used to provide access or utility  
1377 services to the parcel. A suspension may ~~does not~~ prohibit  
1378 ~~impair the right of~~ an owner or tenant of a parcel from having



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1379 ~~to have~~ vehicular and pedestrian ingress to and egress from the  
1380 parcel, including, but not limited to, the right to park. The  
1381 notice and hearing requirements under subsection (2) do not  
1382 apply to a suspension imposed under this subsection.

1383 (4) An association may suspend the voting rights of a  
1384 parcel or member for the nonpayment of any fee, fine, or other  
1385 monetary obligation due to the association that is more than 90  
1386 days delinquent. A voting interest or consent right allocated to  
1387 a parcel or member which has been suspended by the association  
1388 shall be subtracted from ~~may not be counted towards~~ the total  
1389 number of voting interests in the association, which shall be  
1390 reduced by the number of suspended voting interests when  
1391 calculating the total percentage or number of all voting  
1392 interests available to take or approve any action, and the  
1393 suspended voting interests shall not be considered for any  
1394 purpose, including, but not limited to, the percentage or number  
1395 of voting interests necessary to constitute a quorum, the  
1396 percentage or number of voting interests required to conduct an  
1397 election, or the percentage or number of voting interests  
1398 required to approve an action under this chapter or pursuant to  
1399 the governing documents. The notice and hearing requirements  
1400 under subsection (2) do not apply to a suspension imposed under  
1401 this subsection. The suspension ends upon full payment of all  
1402 obligations currently due or overdue to the association.

1403 (5) All suspensions imposed pursuant to subsection (3) or  
1404 subsection (4) must be approved at a properly noticed board



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1405 meeting. Upon approval, the association must notify the parcel  
1406 owner and, if applicable, the parcel's occupant, licensee, or  
1407 invitee by mail or hand delivery.

1408 (6) The suspensions permitted by paragraph (2)(a) and  
1409 subsections (3) and (4) apply to a member and, when appropriate,  
1410 the member's tenants, guests, or invitees, even if the  
1411 delinquency or failure that resulted in the suspension arose  
1412 from less than all of the multiple parcels owned by a member.

1413 Section 18. Paragraph (b) of subsection (1) and subsection  
1414 (9) of section 720.306, Florida Statutes, are amended to read:

1415 720.306 Meetings of members; voting and election  
1416 procedures; amendments.—

1417 (1) QUORUM; AMENDMENTS.—

1418 (b) Unless otherwise provided in the governing documents  
1419 or required by law, and other than those matters set forth in  
1420 paragraph (c), any governing document of an association may be  
1421 amended by the affirmative vote of two-thirds of the voting  
1422 interests of the association. Within 30 days after recording an  
1423 amendment to the governing documents, the association shall  
1424 provide copies of the amendment to the members. However, if a  
1425 copy of the proposed amendment is provided to the members before  
1426 they vote on the amendment and the proposed amendment is not  
1427 changed before the vote, the association, in lieu of providing a  
1428 copy of the amendment, may provide notice to the members that  
1429 the amendment was adopted, identifying the official book and  
1430 page number or instrument number of the recorded amendment and



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1431 that a copy of the amendment is available at no charge to the  
1432 member upon written request to the association. The copies and  
1433 notice described in this paragraph may be provided  
1434 electronically to those owners who previously consented to  
1435 receive notice electronically. The failure to timely provide  
1436 notice of the recording of the amendment does not affect the  
1437 validity or enforceability of the amendment.

1438 (9) ELECTIONS AND BOARD VACANCIES.—

1439 (a) Elections of directors must be conducted in accordance  
1440 with the procedures set forth in the governing documents of the  
1441 association. Except as provided in paragraph (b), all members of  
1442 the association are eligible to serve on the board of directors,  
1443 and a member may nominate himself or herself as a candidate for  
1444 the board at a meeting where the election is to be held;  
1445 provided, however, that if the election process allows  
1446 candidates to be nominated in advance of the meeting, the  
1447 association is not required to allow nominations at the meeting.  
1448 An election is not required unless more candidates are nominated  
1449 than vacancies exist. Except as otherwise provided in the  
1450 governing documents, boards of directors must be elected by a  
1451 plurality of the votes cast by eligible voters. Any challenge to  
1452 the election process must be commenced within 60 days after the  
1453 election results are announced.

1454 (b) A person who is delinquent in the payment of any fee,  
1455 fine, or other monetary obligation to the association on the day  
1456 that he or she could last nominate himself or herself or be





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1457 nominated for the board may not seek election to the board, and  
1458 his or her name shall not be listed on the ballot. A person  
1459 -serving as a board member who becomes more than 90 days  
1460 delinquent in the payment of any fee, fine, or other monetary  
1461 obligation to the association shall be deemed to have abandoned  
1462 his or her seat on the board, creating a vacancy on the board to  
1463 be filled according to law. For purposes of this paragraph, the  
1464 term "any fee, fine, or other monetary obligation" means any  
1465 delinquency to the association with respect to any parcel ~~for~~  
1466 ~~more than 90 days is not eligible for board membership.~~ A person  
1467 who has been convicted of any felony in this state or in a  
1468 United States District or Territorial Court, or has been  
1469 convicted of any offense in another jurisdiction which would be  
1470 considered a felony if committed in this state, may not seek  
1471 election to the board and is not eligible for board membership  
1472 unless such felon's civil rights have been restored for at least  
1473 5 years as of the date on which such person seeks election to  
1474 the board. The validity of any action by the board is not  
1475 affected if it is later determined that a person was ineligible  
1476 to seek election to the board or that a member of the board is  
1477 ineligible for board membership.

1478 (c) Any election dispute between a member and an  
1479 association must be submitted to mandatory binding arbitration  
1480 with the division. Such proceedings must be conducted in the  
1481 manner provided by s. 718.1255 and the procedural rules adopted  
1482 by the division. Unless otherwise provided in the bylaws, any



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1483 vacancy occurring on the board before the expiration of a term  
1484 may be filled by an affirmative vote of the majority of the  
1485 remaining directors, even if the remaining directors constitute  
1486 less than a quorum, or by the sole remaining director. In the  
1487 alternative, a board may hold an election to fill the vacancy,  
1488 in which case the election procedures must conform to the  
1489 requirements of the governing documents. Unless otherwise  
1490 provided in the bylaws, a board member appointed or elected  
1491 under this section is appointed for the unexpired term of the  
1492 seat being filled. Filling vacancies created by recall is  
1493 governed by s. 720.303(10) and rules adopted by the division.

1494 Section 19. This act shall take effect July 1, 2015.