

By Senator Mayfield

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1 A bill to be entitled
2 An act relating to condominium associations; amending
3 s. 718.111, F.S.; deleting a restriction on attorney
4 representation; revising record retention policies;
5 revising the list of documents that the association is
6 required to post online; limiting an association's
7 liability for inadvertent disclosure of protected or
8 restricted information; providing that the failure of
9 an association to post certain information is not
10 sufficient, in and of itself, to invalidate any action
11 or decision of the association; amending s. 718.112,
12 F.S.; removing board term limits; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (3) and (12) of section 718.111,
18 Florida Statutes, are amended to read:

19 718.111 The association.—

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

22 (a) The association may contract, sue, or be sued with
23 respect to the exercise or nonexercise of its powers. For these
24 purposes, the powers of the association include, but are not
25 limited to, the maintenance, management, and operation of the
26 condominium property. After control of the association is
27 obtained by unit owners other than the developer, the
28 association may institute, maintain, settle, or appeal actions
29 or hearings in its name on behalf of all unit owners concerning

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30 matters of common interest to most or all unit owners,
31 including, but not limited to, the common elements; the roof and
32 structural components of a building or other improvements;
33 mechanical, electrical, and plumbing elements serving an
34 improvement or a building; representations of the developer
35 pertaining to any existing or proposed commonly used facilities;
36 and protesting ad valorem taxes on commonly used facilities and
37 on units; and may defend actions in eminent domain or bring
38 inverse condemnation actions. If the association has the
39 authority to maintain a class action, the association may be
40 joined in an action as representative of that class with
41 reference to litigation and disputes involving the matters for
42 which the association could bring a class action. Nothing herein
43 limits any statutory or common-law right of any individual unit
44 owner or class of unit owners to bring any action without
45 participation by the association which may otherwise be
46 available.

47 ~~(b) An association may not hire an attorney who represents~~
48 ~~the management company of the association.~~

49 (12) OFFICIAL RECORDS.—

50 (a) ~~From the inception of the association,~~ The association
51 shall maintain each of the following items, if applicable, which
52 constitutes the official records of the association:

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

55 2. A photocopy of the recorded declaration of condominium
56 of each condominium operated by the association and each
57 amendment to each declaration.

58 3. A photocopy of the recorded bylaws of the association

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59 and each amendment to the bylaws.

60 4. A certified copy of the articles of incorporation of the
61 association, or other documents creating the association, and
62 each amendment thereto.

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

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

67 7. A current roster of all unit owners and their mailing
68 addresses, unit identifications, voting certifications, and, if
69 known, telephone numbers. The association shall also maintain
70 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
71 unit owners consenting to receive notice by electronic
72 transmission. The e-mail ~~electronic mailing~~ addresses and
73 facsimile numbers are not accessible to unit owners if consent
74 to receive notice by electronic transmission is not provided in
75 accordance with sub-subparagraph (c)3.e. However, the
76 association is not liable for an inadvertent disclosure of the
77 electronic mail address or facsimile number for receiving
78 electronic transmission of notices.

79 8. All current insurance policies of the association and
80 condominiums operated by the association.

81 9. A current copy of any management agreement, lease, or
82 other contract to which the association is a party or under
83 which the association or the unit owners have an obligation or
84 responsibility.

85 10. Bills of sale or transfer for all property owned by the
86 association.

87 11. Accounting records for the association and separate

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88 accounting records for each condominium that the association
89 operates. All accounting records must be maintained for at least
90 7 years. Any person who knowingly or intentionally defaces or
91 destroys such records, or who knowingly or intentionally fails
92 to create or maintain such records, with the intent of causing
93 harm to the association or one or more of its members, is
94 personally subject to a civil penalty pursuant to s.
95 718.501(1)(d). The accounting records must include, but are not
96 limited to:

97 a. Accurate, itemized, and detailed records of all receipts
98 and expenditures.

99 b. A current account and a monthly, bimonthly, or quarterly
100 statement of the account for each unit designating the name of
101 the unit owner, the due date and amount of each assessment, the
102 amount paid on the account, and the balance due.

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

105 d. All contracts for work to be performed. Bids for work to
106 be performed are also considered official records and must be
107 maintained by the association for a period of 1 year after the
108 date of receipt.

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

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

116 14. A copy of the current question and answer sheet as

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117 described in s. 718.504.

118 15. All other written records of the association not
119 specifically included in the foregoing which are related to the
120 operation of the association.

121 16. A copy of the inspection report as described in s.
122 718.301(4)(p).

123 17. Bids for materials, equipment, or services, which must
124 be maintained by the association for a period of 1 year after
125 the date of receipt.

126 (b) The official records specified in subparagraphs (a)1.-
127 6. must be permanently maintained from the inception of the
128 association. All other official records ~~of the association~~ must
129 be maintained within the state for at least 7 years, unless
130 otherwise provided by law. The records of the association shall
131 be made available to a unit owner within 45 miles of the
132 condominium property or within the county in which the
133 condominium property is located within 5 working days after
134 receipt of a written request by the board or its designee.
135 However, such distance requirement does not apply to an
136 association governing a timeshare condominium. This paragraph
137 may be complied with by having a copy of the official records of
138 the association available for inspection or copying on the
139 condominium property or association property, or the association
140 may offer the option of making the records available to a unit
141 owner electronically via the Internet or by allowing the records
142 to be viewed in electronic format on a computer screen and
143 printed upon request. The association is not responsible for the
144 use or misuse of the information provided to an association
145 member or his or her authorized representative pursuant to the

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146 compliance requirements of this chapter unless the association
147 has an affirmative duty not to disclose such information
148 pursuant to this chapter.

149 (c)1. The official records of the association are open to
150 inspection by any association member or the authorized
151 representative of such member at all reasonable times. The right
152 to inspect the records includes the right to make or obtain
153 copies, at the reasonable expense, if any, of the member or
154 authorized representative of such member. A renter of a unit has
155 a right to inspect and copy the association's bylaws and rules.
156 The association may adopt reasonable rules regarding the
157 frequency, time, location, notice, and manner of record
158 inspections and copying. The failure of an association to
159 provide the records within 10 working days after receipt of a
160 written request creates a rebuttable presumption that the
161 association willfully failed to comply with this paragraph. A
162 unit owner who is denied access to official records is entitled
163 to the actual damages or minimum damages for the association's
164 willful failure to comply. Minimum damages are \$50 per calendar
165 day for up to 10 days, beginning on the 11th working day after
166 receipt of the written request. The failure to allow ~~permit~~
167 inspection entitles any person prevailing in an enforcement
168 action to recover reasonable attorney fees from the person in
169 control of the records who, directly or indirectly, knowingly
170 denied access to the records.

171 2. Any person who knowingly or intentionally defaces or
172 destroys accounting records that are required by this chapter to
173 be maintained during the period for which such records are
174 required to be maintained, or who knowingly or intentionally

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175 fails to create or maintain accounting records that are required
176 to be created or maintained, with the intent of causing harm to
177 the association or one or more of its members, is personally
178 subject to a civil penalty pursuant to s. 718.501(1)(d).

179 3. The association shall maintain an adequate number of
180 copies of the declaration, articles of incorporation, bylaws,
181 and rules, and all amendments to each of the foregoing, as well
182 as the question and answer sheet as described in s. 718.504 and
183 year-end financial information required under this section, on
184 the condominium property to ensure their availability to unit
185 owners and prospective purchasers, and may charge its actual
186 costs for preparing and furnishing these documents to those
187 requesting the documents. An association shall allow a member or
188 his or her authorized representative to use a portable device,
189 including a smartphone, tablet, portable scanner, or any other
190 technology capable of scanning or taking photographs, to make an
191 electronic copy of the official records in lieu of the
192 association's providing the member or his or her authorized
193 representative with a copy of such records. The association may
194 not charge a member or his or her authorized representative for
195 the use of a portable device. Notwithstanding this paragraph,
196 the following records are not accessible to unit owners:

197 a. Any record protected by the lawyer-client privilege as
198 described in s. 90.502 and any record protected by the work-
199 product privilege, including a record prepared by an association
200 attorney or prepared at the attorney's express direction, which
201 reflects a mental impression, conclusion, litigation strategy,
202 or legal theory of the attorney or the association, and which
203 was prepared exclusively for civil or criminal litigation or for

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204 adversarial administrative proceedings, or which was prepared in
205 anticipation of such litigation or proceedings until the
206 conclusion of the litigation or proceedings.

207 b. Information obtained by an association in connection
208 with the approval of the lease, sale, or other transfer of a
209 unit.

210 c. Personnel records of association or management company
211 employees, including, but not limited to, disciplinary, payroll,
212 health, and insurance records. For purposes of this sub-
213 subparagraph, the term "personnel records" does not include
214 written employment agreements with an association employee or
215 management company, or budgetary or financial records that
216 indicate the compensation paid to an association employee.

217 d. Medical records of unit owners.

218 e. Social security numbers, driver license numbers, credit
219 card numbers, e-mail addresses, telephone numbers, facsimile
220 numbers, emergency contact information, addresses of a unit
221 owner other than as provided to fulfill the association's notice
222 requirements, and other personal identifying information of any
223 person, excluding the person's name, unit designation, mailing
224 address, property address, and any address, e-mail address, or
225 facsimile number provided to the association to fulfill the
226 association's notice requirements. Notwithstanding the
227 restrictions in this sub-subparagraph, an association may print
228 and distribute to parcel owners a directory containing the name,
229 parcel address, and all telephone numbers of each parcel owner.
230 However, an owner may exclude his or her telephone numbers from
231 the directory by so requesting in writing to the association. An
232 owner may consent in writing to the disclosure of other contact

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233 information described in this sub-subparagraph. The association
234 is not liable for the inadvertent disclosure of information that
235 is protected under this sub-subparagraph if the information is
236 included in an official record of the association and is
237 voluntarily provided by an owner and not requested by the
238 association.

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

241 g. The software and operating system used by the
242 association which allow the manipulation of data, even if the
243 owner owns a copy of the same software used by the association.
244 The data is part of the official records of the association.

245 (d) The association shall prepare a question and answer
246 sheet as described in s. 718.504, and shall update it annually.

247 (e)1. The association or its authorized agent is not
248 required to provide a prospective purchaser or lienholder with
249 information about the condominium or the association other than
250 information or documents required by this chapter to be made
251 available or disclosed. The association or its authorized agent
252 may charge a reasonable fee to the prospective purchaser,
253 lienholder, or the current unit owner for providing good faith
254 responses to requests for information by or on behalf of a
255 prospective purchaser or lienholder, other than that required by
256 law, if the fee does not exceed \$150 plus the reasonable cost of
257 photocopying and any attorney ~~attorney's~~ fees incurred by the
258 association in connection with the response.

259 2. An association and its authorized agent are not liable
260 for providing such information in good faith pursuant to a
261 written request if the person providing the information includes

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262 a written statement in substantially the following form: "The
263 responses herein are made in good faith and to the best of my
264 ability as to their accuracy."

265 (f) An outgoing board or committee member must relinquish
266 all official records and property of the association in his or
267 her possession or under his or her control to the incoming board
268 within 5 days after the election. The division shall impose a
269 civil penalty as set forth in s. 718.501(1)(d)6. against an
270 outgoing board or committee member who willfully and knowingly
271 fails to relinquish such records and property.

272 (g)1. By July 1, 2018, an association with 150 or more
273 units which does not manage timeshare units shall post digital
274 copies of the documents specified in subparagraph 2. on its
275 website.

276 a. The association's website must be:

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

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

285 b. The association's website must be accessible through the
286 Internet and must contain a subpage, web portal, or other
287 protected electronic location that is inaccessible to the
288 general public and accessible only to unit owners and employees
289 of the association.

290 c. Upon a unit owner's written request, the association

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291 must provide the unit owner with a username and password and
292 access to the protected sections of the association's website
293 that contain any notices, records, or documents that must be
294 electronically provided.

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

297 a. The recorded declaration of condominium of each
298 condominium operated by the association and each amendment to
299 each declaration.

300 b. The recorded bylaws of the association and each
301 amendment to the bylaws.

302 c. The articles of incorporation of the association, or
303 other documents creating the association, and each amendment
304 thereto. The copy posted pursuant to this sub-subparagraph must
305 be a copy of the articles of incorporation filed with the
306 Department of State.

307 d. The rules of the association, if any.

308 e. A list of all executory contracts or documents ~~Any~~
309 ~~management agreement, lease, or other contract~~ to which the
310 association is a party or under which the association or the
311 unit owners have an obligation or responsibility and, after
312 bidding for the related materials, equipment, or services has
313 closed, a list of bids received by the association within the
314 past year. Summaries of bids for materials, equipment, or
315 services which exceed \$2,500 ~~must be maintained on the website~~
316 ~~for 1 year~~.

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

319 g. The financial report required by subsection (13) ~~and any~~

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320 ~~proposed financial report to be considered at a meeting.~~

321 h. The certification of each director required by s.
322 718.112(2)(d)4.b.

323 i. All contracts or transactions between the association
324 and any director, officer, corporation, firm, or association
325 that is not an affiliated condominium association or any other
326 entity in which an association director is also a director or
327 officer and financially interested.

328 j. Any contract or document regarding a conflict of
329 interest or possible conflict of interest as provided in ss.
330 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

331 k. The notice of any unit owner meeting and the agenda for
332 the meeting, as required by s. 718.112(2)(d)3., no later than 14
333 days before the meeting. The notice must be posted in plain view
334 on the front page of the website, or on a separate subpage of
335 the website labeled "Notices" which is conspicuously visible and
336 linked from the front page. The association must also post on
337 its website any document to be considered and voted on by the
338 owners during the meeting or any document listed on the agenda
339 at least 7 days before the meeting at which the document or the
340 information within the document will be considered.

341 l. Notice of any board meeting, the agenda, and any other
342 document required for the meeting as required by s.
343 718.112(2)(c), which must be posted no later than the date
344 required for notice pursuant to s. 718.112(2)(c).

345 3. The association shall ensure that the information and
346 records described in paragraph (c), which are not allowed
347 ~~permitted~~ to be accessible to unit owners, are not posted on the
348 association's website. If protected information or information

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349 restricted from being accessible to unit owners is included in
 350 documents that are required to be posted on the association's
 351 website, the association shall ensure the information is
 352 redacted before posting the documents online. Notwithstanding
 353 the foregoing, the association or its agent is not liable for
 354 disclosing information that is protected or restricted pursuant
 355 to this paragraph unless such disclosure was made with a knowing
 356 or intentional disregard of the protected or restricted nature
 357 of such information.

358 4. The failure of the association to post information
 359 required under subparagraph 2. is not in and of itself
 360 sufficient to invalidate any action or decision of the
 361 association's board or its committees.

362 Section 2. Paragraph (d) of subsection (2) of section
 363 718.112, Florida Statutes, is amended to read:

364 718.112 Bylaws.—

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

368 (d) *Unit owner meetings.*—

369 1. An annual meeting of the unit owners must ~~shall~~ be held
 370 at the location provided in the association bylaws and, if the
 371 bylaws are silent as to the location, the meeting must ~~shall~~ be
 372 held within 45 miles of the condominium property. However, such
 373 distance requirement does not apply to an association governing
 374 a timeshare condominium.

375 2. Unless the bylaws provide otherwise, a vacancy on the
 376 board caused by the expiration of a director's term must ~~shall~~
 377 be filled by electing a new board member, and the election must

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378 be by secret ballot. An election is not required if the number
379 of vacancies equals or exceeds the number of candidates. For
380 purposes of this paragraph, the term "candidate" means an
381 eligible person who has timely submitted the written notice, as
382 described in sub-subparagraph 4.a., of his or her intention to
383 become a candidate. Except in a timeshare or nonresidential
384 condominium, or if the staggered term of a board member does not
385 expire until a later annual meeting, or if all members' terms
386 would otherwise expire but there are no candidates, the terms of
387 all board members expire at the annual meeting, and such members
388 may stand for reelection unless prohibited by the bylaws. Board
389 members may serve ~~2-year~~ terms longer than 1 year if allowed
390 ~~permitted~~ by the bylaws or articles of incorporation. ~~A board~~
391 ~~member may not serve more than four consecutive 2-year terms,~~
392 ~~unless approved by an affirmative vote of two thirds of the~~
393 ~~total voting interests of the association or unless there are~~
394 ~~not enough eligible candidates to fill the vacancies on the~~
395 ~~board at the time of the vacancy.~~ If the number of board members
396 whose terms expire at the annual meeting equals or exceeds the
397 number of candidates, the candidates become members of the board
398 effective upon the adjournment of the annual meeting. Unless the
399 bylaws provide otherwise, any remaining vacancies shall be
400 filled by the affirmative vote of the majority of the directors
401 making up the newly constituted board even if the directors
402 constitute less than a quorum or there is only one director. In
403 a residential condominium association of more than 10 units or
404 in a residential condominium association that does not include
405 timeshare units or timeshare interests, coowners of a unit may
406 not serve as members of the board of directors at the same time

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407 unless they own more than one unit or unless there are not
408 enough eligible candidates to fill the vacancies on the board at
409 the time of the vacancy. A unit owner in a residential
410 condominium desiring to be a candidate for board membership must
411 comply with sub-subparagraph 4.a. and must be eligible to be a
412 candidate to serve on the board of directors at the time of the
413 deadline for submitting a notice of intent to run in order to
414 have his or her name listed as a proper candidate on the ballot
415 or to serve on the board. A person who has been suspended or
416 removed by the division under this chapter, or who is delinquent
417 in the payment of any monetary obligation due to the
418 association, is not eligible to be a candidate for board
419 membership and may not be listed on the ballot. A person who has
420 been convicted of any felony in this state or in a United States
421 District or Territorial Court, or who has been convicted of any
422 offense in another jurisdiction which would be considered a
423 felony if committed in this state, is not eligible for board
424 membership unless such felon's civil rights have been restored
425 for at least 5 years as of the date such person seeks election
426 to the board. The validity of an action by the board is not
427 affected if it is later determined that a board member is
428 ineligible for board membership due to having been convicted of
429 a felony. This subparagraph does not limit the term of a member
430 of the board of a nonresidential or timeshare condominium.

431 3. The bylaws must provide the method of calling meetings
432 of unit owners, including annual meetings. Written notice must
433 include an agenda, must be mailed, hand delivered, or
434 electronically transmitted to each unit owner at least 14 days
435 before the annual meeting, and must be posted in a conspicuous

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436 place on the condominium property at least 14 continuous days
437 before the annual meeting. Upon notice to the unit owners, the
438 board shall, by duly adopted rule, designate a specific location
439 on the condominium property or association property where all
440 notices of unit owner meetings must ~~shall~~ be posted. This
441 requirement does not apply if there is no condominium property
442 or association property for posting notices. In lieu of, or in
443 addition to, the physical posting of meeting notices, the
444 association may, by reasonable rule, adopt a procedure for
445 conspicuously posting and repeatedly broadcasting the notice and
446 the agenda on a closed-circuit cable television system serving
447 the condominium association. However, if broadcast notice is
448 used in lieu of a notice posted physically on the condominium
449 property, the notice and agenda must be broadcast at least four
450 times every broadcast hour of each day that a posted notice is
451 otherwise required under this section. If broadcast notice is
452 provided, the notice and agenda must be broadcast in a manner
453 and for a sufficient continuous length of time so as to allow an
454 average reader to observe the notice and read and comprehend the
455 entire content of the notice and the agenda. Unless a unit owner
456 waives in writing the right to receive notice of the annual
457 meeting, such notice must be hand delivered, mailed, or
458 electronically transmitted to each unit owner. Notice for
459 meetings and notice for all other purposes must be mailed to
460 each unit owner at the address last furnished to the association
461 by the unit owner, or hand delivered to each unit owner.
462 However, if a unit is owned by more than one person, the
463 association must provide notice to the address that the
464 developer identifies for that purpose and thereafter as one or

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465 more of the owners of the unit advise the association in
466 writing, or if no address is given or the owners of the unit do
467 not agree, to the address provided on the deed of record. An
468 officer of the association, or the manager or other person
469 providing notice of the association meeting, must provide an
470 affidavit or United States Postal Service certificate of
471 mailing, to be included in the official records of the
472 association affirming that the notice was mailed or hand
473 delivered in accordance with this provision.

474 4. The members of the board of a residential condominium
475 shall be elected by written ballot or voting machine. Proxies
476 may not be used in electing the board in general elections or
477 elections to fill vacancies caused by recall, resignation, or
478 otherwise, unless otherwise provided in this chapter. This
479 subparagraph does not apply to an association governing a
480 timeshare condominium.

481 a. At least 60 days before a scheduled election, the
482 association shall mail, deliver, or electronically transmit, by
483 separate association mailing or included in another association
484 mailing, delivery, or transmission, including regularly
485 published newsletters, to each unit owner entitled to a vote, a
486 first notice of the date of the election. A unit owner or other
487 eligible person desiring to be a candidate for the board must
488 give written notice of his or her intent to be a candidate to
489 the association at least 40 days before a scheduled election.
490 Together with the written notice and agenda as set forth in
491 subparagraph 3., the association shall mail, deliver, or
492 electronically transmit a second notice of the election to all
493 unit owners entitled to vote, together with a ballot that lists

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494 all candidates. Upon request of a candidate, an information
495 sheet, no larger than 8 1/2 inches by 11 inches, which must be
496 furnished by the candidate at least 35 days before the election,
497 must be included with the mailing, delivery, or transmission of
498 the ballot, with the costs of mailing, delivery, or electronic
499 transmission and copying to be borne by the association. The
500 association is not liable for the contents of the information
501 sheets prepared by the candidates. In order to reduce costs, the
502 association may print or duplicate the information sheets on
503 both sides of the paper. The division shall by rule establish
504 voting procedures consistent with this sub-subparagraph,
505 including rules establishing procedures for giving notice by
506 electronic transmission and rules providing for the secrecy of
507 ballots. Elections shall be decided by a plurality of ballots
508 cast. There is no quorum requirement; however, at least 20
509 percent of the eligible voters must cast a ballot in order to
510 have a valid election. A unit owner may not allow ~~permit~~ any
511 other person to vote his or her ballot, and any ballots
512 improperly cast are invalid. A unit owner who violates this
513 provision may be fined by the association in accordance with s.
514 718.303. A unit owner who needs assistance in casting the ballot
515 for the reasons stated in s. 101.051 may obtain such assistance.
516 The regular election must occur on the date of the annual
517 meeting. Notwithstanding this sub-subparagraph, an election is
518 not required unless more candidates file notices of intent to
519 run or are nominated than board vacancies exist.

520 b. Within 90 days after being elected or appointed to the
521 board of an association of a residential condominium, each newly
522 elected or appointed director shall certify in writing to the

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523 secretary of the association that he or she has read the
524 association's declaration of condominium, articles of
525 incorporation, bylaws, and current written policies; that he or
526 she will work to uphold such documents and policies to the best
527 of his or her ability; and that he or she will faithfully
528 discharge his or her fiduciary responsibility to the
529 association's members. In lieu of this written certification,
530 within 90 days after being elected or appointed to the board,
531 the newly elected or appointed director may submit a certificate
532 of having satisfactorily completed the educational curriculum
533 administered by a division-approved condominium education
534 provider within 1 year before or 90 days after the date of
535 election or appointment. The written certification or
536 educational certificate is valid and does not have to be
537 resubmitted as long as the director serves on the board without
538 interruption. A director of an association of a residential
539 condominium who fails to timely file the written certification
540 or educational certificate is suspended from service on the
541 board until he or she complies with this sub-subparagraph. The
542 board may temporarily fill the vacancy during the period of
543 suspension. The secretary shall cause the association to retain
544 a director's written certification or educational certificate
545 for inspection by the members for 5 years after a director's
546 election or the duration of the director's uninterrupted tenure,
547 whichever is longer. Failure to have such written certification
548 or educational certificate on file does not affect the validity
549 of any board action.

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

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552 5. Any approval by unit owners called for by this chapter
553 or the applicable declaration or bylaws, including, but not
554 limited to, the approval requirement in s. 718.111(8), must be
555 made at a duly noticed meeting of unit owners and is subject to
556 all requirements of this chapter or the applicable condominium
557 documents relating to unit owner decisionmaking, except that
558 unit owners may take action by written agreement, without
559 meetings, on matters for which action by written agreement
560 without meetings is expressly allowed by the applicable bylaws
561 or declaration or any law that provides for such action.

562 6. Unit owners may waive notice of specific meetings if
563 allowed by the applicable bylaws or declaration or any law.
564 Notice of meetings of the board of administration, unit owner
565 meetings, except unit owner meetings called to recall board
566 members under paragraph (j), and committee meetings may be given
567 by electronic transmission to unit owners who consent to receive
568 notice by electronic transmission.

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

573 8. A unit owner may tape record or videotape a meeting of
574 the unit owners subject to reasonable rules adopted by the
575 division.

576 9. Unless otherwise provided in the bylaws, any vacancy
577 occurring on the board before the expiration of a term may be
578 filled by the affirmative vote of the majority of the remaining
579 directors, even if the remaining directors constitute less than
580 a quorum, or by the sole remaining director. In the alternative,

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581 a board may hold an election to fill the vacancy, in which case
582 the election procedures must conform to sub-subparagraph 4.a.
583 unless the association governs 10 units or fewer and has opted
584 out of the statutory election process, in which case the bylaws
585 of the association control. Unless otherwise provided in the
586 bylaws, a board member appointed or elected under this section
587 shall fill the vacancy for the unexpired term of the seat being
588 filled. Filling vacancies created by recall is governed by
589 paragraph (j) and rules adopted by the division.

590 10. This chapter does not limit the use of general or
591 limited proxies, require the use of general or limited proxies,
592 or require the use of a written ballot or voting machine for any
593 agenda item or election at any meeting of a timeshare
594 condominium association or nonresidential condominium
595 association.

596
597 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
598 association of 10 or fewer units may, by affirmative vote of a
599 majority of the total voting interests, provide for different
600 voting and election procedures in its bylaws, which may be by a
601 proxy specifically delineating the different voting and election
602 procedures. The different voting and election procedures may
603 provide for elections to be conducted by limited or general
604 proxy.

605 Section 3. This act shall take effect July 1, 2018.