

New laws and amendments applicable to all Florida Condominiums and Homeowner Associations are now into effect as follows:

Official Records of Condominiums and Cooperatives – § 718.111, § 719.104

- The deadline for condominium and cooperative associations to fulfill official record requests has been extended from 5 working days to 10 working days. §718.111(12)(b), § 719.104(2)(b), Fla. Stat.
- Electronic records relating to voting have been included in the list of official records that must be kept by condominium and cooperative associations. §718.111(12)(a)12., § 719.104(2)(a)10., Fla. Stat.
- Condominium associations must now permanently maintain specific documents from the inception of the association, unlike the previous 7-year limitation. The following is a list of those documents: §718.111(12), Fla. Stat., §719.104(2), Fla. Stat.
- A copy of the articles of incorporation, declaration, bylaws and rules of the association;
- The minutes of all meetings;
- A copy of the plans, permits, warranties, and other items provided by the developer;
- Accounting records for the association.

Condominium Websites – § 718.111

- The deadline for community associations who are obligated to post certain records to a website has been extended from July 1, 2018 to January 1, 2019. §718.111(12)(g)1., Fla. Stat.
- A list of executory contracts or other documents must be maintained on the website. §718.111(12)(g)2.e., Fla. Stat.
- Summaries of bids for materials, equipment or services that exceed \$500 must be maintained on the website. Complete copies of bids may be posted in lieu of summaries. §718.111(12)(g)2.e., Fla. Stat.
- The association, or its agent, is not liable for disclosing information that is protected or restricted, unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of the information. §718.111(12)(g)3., Fla. Stat.

Condominium Financial Reporting – § 718.111

- If a condominium association fails to provide a copy of the most recent financial report to an owner who has submitted a written request for same within 5 business days, and then fails to provide the Department of Business and Professional Regulation (the “Division”) with a copy of such report within the same time frame after the Division’s request for such record, then the association may not waive the financial reporting requirement for the fiscal year in which the owner’s request was made or for the following fiscal year. §718.111(13)(e), Fla. Stat.

Notice of Board Meetings – § 718.112, § 719.106, § 720.303

- Community associations may adopt rules and procedures for noticing owner meetings and agendas on a website, so long as the time requirement for noticing such meetings is met. Any rule adopted must include a requirement that the electronic notice be sent in the same manner as a notice for a meeting of the members, and must include a hyperlink to the website where the notice is posted. This notice must be sent to all owners who have

provided their e-mails as an official record. Associations are still required to physically post meeting notices on the property. §718.112(2)(c)1., § 718.112(2)(d)3., § 719.106(1)(c), § 719.106(1)(d), Fla. Stat.

- Condominium and cooperative owners who consent to receiving notices electronically are responsible for removing or bypassing filters that may block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices. §718.112(2)(d)6., § 719.106(1)(d)3., Fla. Stat.
- Homeowners' associations are now allowed to give notice by electronic transmission to parcel owners who have provided written consent and an e-mail address or fax number for such purpose. §718.112(2)(d)6., § 719.106(1)(d)3., Fla. Stat.

Condominium Board Member Recall – § 718.112

- If a recall is determined to be facially valid, then the recall of the member, or members, is effective immediately upon the conclusion of the board meeting. §718.112(2)(j), Fla. Stat.
- A unit owner or unit owner's representative may now challenge the board's determination of a recall's facial validity. §718.112(2)(j)4., Fla. Stat.
- An owner's petition may challenge the facial validity of the written agreement, ballots filed or the substantial compliance with the procedural requirements for the recall. If the arbitrator determines the recall was invalid, then the petitioning board member shall immediately be reinstated and the recall is considered to be null and void. A board member who is successful in challenging a recall is entitled to recover reasonable attorneys' fees and costs from the respondents. The arbitrator may award reasonable attorneys' fees and costs to the respondents if they prevail, if the arbitrator makes a finding that the petitioner's claim is frivolous. §718.112(2)(j)6., Fla. Stat.

Alterations or Additions to Condominium Property – § 718.113

- Clarifies that approval of 75% of the voting interests must be obtained BEFORE a material alteration or substantial addition to a condominium property is commenced, unless the condominium's declaration provides otherwise. This restriction applies to condominium associations existing on July 1, 2018. §718.113(2), Fla. Stat.

Electric Vehicles in Condominium Associations – § 718.113, § 718.121

- Condominium associations may not prohibit a unit owner from installing an electric vehicle charging station within the boundaries of the unit owner's limited common element parking area. The installation is subject to a number of restrictions provided by the statute, such as complying with applicable building codes and not causing irreparable damage to the condominium property. §718.113(8), Fla. Stat.
- The unit owner installing the charging station will be responsible for the cost for the installation, as well as maintenance to such station, related liability insurance, the association's insurance premium increase and electricity cost, measured through a separate meter. §718.113(8), Fla. Stat.
- If the unit owner or his successor decides there is no longer a need for the electronic vehicle charging station, such person is responsible for the cost of removal. §718.113(8)(e), Fla. Stat.

- Labor performed on, or materials furnished for, the installation of an electric vehicle charging station may not be the basis for filing a lien under Part I of Chapter 713, Florida Statutes, against the Association, but such a lien may be filed against the unit owner. §718.121(2), Fla. Stat.

Fines and Suspensions – § 718.303, § 719.303, § 720.305

- Condominium and cooperative associations' fining committees must be made up of at least three members who are appointed by the board. Such members must not be officers, directors, or employees of the association, or be a spouse, parent, child, brother, or sister of an officer, director, or employee of the association. §718.303(3)(b), §719.303(3)(b), Fla. Stat. The same law applies to homeowners' associations.
- The fining committee must approve the fine or suspension by a majority vote; otherwise the association may not impose the fine or suspension. §718.303(3)(b), §719.303(3)(b), Fla. Stat. The same law applies to homeowners' associations.
- Condominium and cooperative associations must provide written notice of any fine or suspension, by mail or hand delivery, to the unit owner, and, if applicable, to any tenant, licensee, or invitee of the unit owner. §718.303(3)(b), §719.303(3)(b), Fla. Stat. The same law applies to homeowners' associations.
- Any fine approved by the committee of an HOA, condominium, or cooperative association is due within 5 days after the date of the committee meeting at which the fine was approved. §718.303(3)(b), §719.303(3)(b), §720.305(2)(b), Fla. Stat.

Communications by Cooperative and HOA Board Members – § 719.106, § 720.303

- Members of a board of directors for homeowners' and cooperative associations are allowed to use e-mail as a means of communication. However, a board member may not cast a vote upon an association related matter via e-mail. §719.106(1)(c), §720.303(2)(a), Fla. Stat. The same law applies already with respect to condominium associations.

Condominium and Cooperative Associations' Board Members – § 718.112, § 719.106

- Condominium association board members may not serve for more than 8 consecutive years; regardless of the directors' term length, unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election, or unless there are not enough eligible candidates to fill the vacancies. §718.112(2)(d)2., Fla. Stat.
- A cooperative director or officer is deemed to have abandoned their office if the officer or director is more than 90 days delinquent. §719.106(1)(m), Fla. Stat.
- In residential cooperatives of more than 10 units, co-owners of a unit may not serve as members on the board at the same time, unless the co-owners own more than one unit, or if there are not enough eligible candidates to fill vacancies on the board. §719.106(1)(a)1., Fla. Stat.

HOA Amendments – § 720.306

- Clarifying the procedure by which amendments to the governing documents are to be proposed. Specifically, in part, a proposal to amend the governing documents must contain the full text of the provision to be amended, proposed new language must be underlined and proposed deleted language must be stricken. §720.306(1)(e), Fla. Stat.
- Notices required in connection with proposed amendments must be mailed or delivered to the address identified as the parcel owner's mailing address on the property appraiser's

website for the county in which the property is located, or electronically transmitted in a manner authorized by the association if the parcel owner has consented, in writing, to receive notice by electronic transmission. §720.306(1)(g), Fla. Stat.

HOA Elections – § 720.306

- If an election is not required because there are fewer or an equal number of candidates than there are vacancies, and nominations from the floor are not required, then write-in nominations are not permitted, and the candidates will commence service on the board of directors, regardless of whether a quorum is attained at the annual meeting.
§720.306(9)(a), Fla. Stat.