

Careers & Competition Subcommittee

Tuesday, January 23, 2018
8:00 AM – 11:00 AM
Webster Hall (212 Knott)

Action Packet

Richard Corcoran
Speaker

Halsey Beshears
Chair

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

Summary:

Careers & Competition Subcommittee

Tuesday January 23, 2018 08:00 am

CS/HB 725	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 206243 Adopted Without Objection		
HB 841	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 687459 Adopted Without Objection		
HB 1231	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 868827 Adopted Without Objection		
HB 1251	Favorable	Yeas: 12	Nays: 0
HB 1285	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Halsey Beshears (Chair)	X		
Larry Ahern	X		
Ben Albritton	X		
Ramon Alexander	X		
Loranne Ausley	X		
Randy Fine	X		
Julio Gonzalez	X		
Joe Gruters	X		
Roy Hardemon	X		
Shawn Harrison	X		
Al Jacquet		X	
Mike La Rosa	X		
Robert Olszewski	X		
Daniel Perez	X		
David Silvers	X		
Totals:	14	1	0

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

CS/HB 725 : Permit Fees

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Ben Albritton			X		
Ramon Alexander	X				
Loranne Ausley	X				
Randy Fine	X				
Julio Gonzalez	X				
Joe Gruters	X				
Roy Hardemon	X				
Shawn Harrison	X				
Al Jacquet			X		
Mike La Rosa	X				
Robert Olszewski	X				
Daniel Perez	X				
David Silvers	X				
Halsey Beshears (Chair)	X				
Total Yeas: 13		Total Nays: 0			

CS/HB 725 Amendments

Amendment 206243

Adopted Without Objection

Appearances:

Amendment 206243
Hattfield, Jennifer (Lobbyist) - Proponent
Florida Swimming Pool Association
411 Lenore Court
Rockledge, Florida 32955
Phone: 941-345-3263

Amendment 206243
Kershner, Bruce (Lobbyist) - Proponent
Alabama AGC Northwest Florida Section
231 West Bay Avenue
Longwood Florida 32750
Phone: 407-830-1882

Brown, Carol (Lobbyist) - Proponent
Associated Builders & Contractors
Chief Lobbyist
3730 Coconut Creek Parkway Suite 200
Coconut Creek, Florida 33066
Phone: 954-465-6811

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COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

CS/HB 725 : Permit Fees (continued)

Appearances: (continued)

Amendment 206243

Brown, Carol (Lobbyist) - Proponent

Associated Builders & Contractors

Chief Lobbyist

3730 Coconut Creek Parkway Suite 200

Coconut Creek, Florida 33066

Phone: 954-465-6811

Zander, Skyler (Lobbyist) - Proponent

Americans for Prosperity

Deputy State Director

200 West College Avenue Suite 109

Tallahassee, Florida 32301

Phone: 850-728-4522

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

HB 841 : Community Associations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Ben Albritton			X		
Ramon Alexander	X				
Loranne Ausley	X				
Randy Fine	X				
Julio Gonzalez	X				
Joe Gruters	X				
Roy Hardemon	X				
Shawn Harrison	X				
Al Jacquet			X		
Mike La Rosa	X				
Robert Olszewski	X				
Daniel Perez	X				
David Silvers	X				
Halsey Beshears (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 841 Amendments

Amendment 687459

Adopted Without Objection

Appearances:

Amendment 687459

Moore, Travis (Lobbyist) - Proponent

Community Associations Institute

P.O. Box 2020

St. Petersburg, Florida 33731

Phone: 727-421-6902

Amendment 687459

Stafford, Sean (State Employee) - Proponent

Associa

Phone: 850-727-5000

Moore, Travis (Lobbyist) - Proponent

Community Associations Institute

P.O. Box 2020

St. Petersburg, Florida 33731

Phone: 727-421-6902

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

HB 841 : Community Associations (continued)

Appearances: (continued)

Amendment 687459

Anderson, Mark (Lobbyist) - Proponent

CEOMC

Lobbyist

106 South Monroe

Tallahassee, Florida 32309

Phone: 850-320-6659

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

HB 1231 : Sales Tax Refund for Eligible Job Training Organizations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Ben Albritton	X				
Ramon Alexander	X				
Loranne Ausley	X				
Randy Fine	X				
Julio Gonzalez	X				
Joe Gruters	X				
Roy Hardemon	X				
Shawn Harrison	X				
Al Jacquet			X		
Mike La Rosa	X				
Robert Olszewski	X				
Daniel Perez	X				
David Silvers	X				
Halsey Beshears (Chair)	X				
Total Yeas: 14		Total Nays: 0			

HB 1231 Amendments

Amendment 868827

Adopted Without Objection

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

HB 1251 : Florida Construction Workforce Task Force

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Ben Albritton	X				
Ramon Alexander	X				
Loranne Ausley			X		
Randy Fine	X				
Julio Gonzalez	X				
Joe Gruters	X				
Roy Hardemon	X				
Shawn Harrison	X				
Al Jacquet			X		
Mike La Rosa	X				
Robert Olszewski	X				
Daniel Perez	X				
David Silvers			X		
Halsey Beshears (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Hattfield, Jennifer (Lobbyist) - Proponent
 Florida Swimming Pool Associations
 411 Lenore Court
 Rockledge, Florida 32955
 Phone: 941-345-3263

Shepp, David (Lobbyist) - Waive In Support
 Independent Electrical Contractors
 P.O. Box 10570
 Tallahassee, Florida
 Phone: (850) 671-4401

Fentriss, Cam - Proponent
 Florida Roofing & Sheet Metal Contractors Association
 Legal Counsel & Florida RACCA
 1400 Village Square #3-243
 Tallahassee, Florida 32312
 Phone: 850-222-2772

Buck, Doug (Lobbyist) - Proponent
 Florida Home Builders
 2600 Colonel Place
 Tallahassee, Florida
 Phone: 850-251-1836

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

HB 1251 : Florida Construction Workforce Task Force (continued)

Appearances: (continued)

Brown, Carol (Lobbyist) - Proponent

Associated Builders & Contractors

Chief Lobbyist

3730 Coconut Creek Parkway Suite 200

Coconut Creek, Florida 33066

Phone: 954-465-6811

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM

COMMITTEE MEETING REPORT
Careers & Competition Subcommittee

1/23/2018 8:00AM

Location: Webster Hall (212 Knott)

HB 1285 : Florida Business Corporation Act

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Ben Albritton	X				
Ramon Alexander	X				
Loranne Ausley	X				
Randy Fine	X				
Julio Gonzalez	X				
Joe Gruters	X				
Roy Hardemon	X				
Shawn Harrison	X				
Al Jacquet			X		
Mike La Rosa	X				
Robert Olszewski	X				
Daniel Perez	X				
David Silvers	X				
Halsey Beshears (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Crofoot, Katie (Lobbyist) - Information Only
 Florida Bankers Association
 Assistant Vice President of Government Relations
 1001 Thomasville Road
 Tallahassee, Florida 32303
 Phone: 850-224-2265

Committee meeting was reported out: Tuesday, January 23, 2018 2:10PM



Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Careers & Competition
 2 Subcommittee
 3 Representative Williamson offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) is added to subsection (4) of
 8 section 125.56, Florida Statutes, to read:

9 125.56 Enforcement and amendment of the Florida Building
 10 Code and the Florida Fire Prevention Code; inspection fees;
 11 inspectors; etc.—

12 (4)

13 (c) Any county authorized under this section or s. 553.80
 14 to issue fees shall post its permit and inspection fee schedules
 15 and its inspection utilization report required under s.
 16 553.80(7) on its website.



Amendment No. 1.

17 Section 2. Section 166.222, Florida Statutes, is amended
18 to read:

19 166.222 Building code inspection fees.-

20 (1) The governing body of a municipality may provide a
21 schedule of reasonable inspection fees in order to defer the
22 costs of inspection and enforcement of the provisions of its
23 building code.

24 (2) The governing body of a municipality authorized under
25 s. 553.80 to issue fees shall post its permit and inspection fee
26 schedules and its inspection utilization report required under
27 s. 553.80(7) on its website.

28 Section 3. Subsection (7) of section 553.80, Florida
29 Statutes, is amended to read:

30 553.80 Enforcement.-

31 (7)(a) The governing bodies of local governments may
32 provide a schedule of reasonable fees, as authorized by s.
33 125.56(2) or s. 166.222 and this section, for enforcing this
34 part. These fees, and any fines or investment earnings related
35 to the fees, shall be used solely for carrying out the local
36 government's responsibilities in enforcing the Florida Building
37 Code. When providing a schedule of reasonable fees, the total
38 estimated annual revenue derived from fees, and the fines and
39 investment earnings related to the fees, may not exceed the
40 total estimated annual costs of allowable activities. Any
41 unexpended balances shall be carried forward to future years for



Amendment No. 1.

42 allowable activities or shall be refunded at the discretion of
43 the local government. The basis for a fee structure for
44 allowable activities shall relate to the level of service
45 provided by the local government and shall include consideration
46 for refunding fees due to reduced services based on services
47 provided as prescribed by s. 553.791, but not provided by the
48 local government. Fees charged shall be consistently applied.

49 1.(a) As used in this subsection, the phrase "enforcing
50 the Florida Building Code" includes the direct costs and
51 reasonable indirect costs associated with review of building
52 plans, building inspections, reinspections, and building permit
53 processing; building code enforcement; and fire inspections
54 associated with new construction. The phrase may also include
55 training costs associated with the enforcement of the Florida
56 Building Code and enforcement action pertaining to unlicensed
57 contractor activity to the extent not funded by other user fees.

58 2.(b) The following activities may not be funded with fees
59 adopted for enforcing the Florida Building Code:

60 a.1. Planning and zoning or other general government
61 activities.

62 b.2. Inspections of public buildings for a reduced fee or
63 no fee.

64 c.3. Public information requests, community functions,
65 boards, and any program not directly related to enforcement of
66 the Florida Building Code.

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67 ~~d.4.~~ Enforcement and implementation of any other local
68 ordinance, excluding validly adopted local amendments to the
69 Florida Building Code and excluding any local ordinance directly
70 related to enforcing the Florida Building Code as defined in
71 subparagraph 1. ~~paragraph (a).~~

72 ~~3.(e)~~ A local government shall use recognized management,
73 accounting, and oversight practices to ensure that fees, fines,
74 and investment earnings generated under this subsection are
75 maintained and allocated or used solely for the purposes
76 described in subparagraph 1. ~~paragraph (a).~~

77 ~~4.(d)~~ The local enforcement agency, independent district,
78 or special district may not require at any time, including at
79 the time of application for a permit, the payment of any
80 additional fees, charges, or expenses associated with:

81 ~~a.1.~~ Providing proof of licensure pursuant to chapter 489;

82 ~~b.2.~~ Recording or filing a license issued pursuant to this
83 chapter; or

84 ~~c.3.~~ Providing, recording, or filing evidence of workers'
85 compensation insurance coverage as required by chapter 440.

86 (b) By December 31, 2019, the governing body of a local
87 government with a schedule of reasonable fees shall post its
88 building permit and inspection utilization report on its
89 website. The report shall be based on the information available
90 in the most recently completed financial audit. Before making
91 any adjustment to the fee schedule, the governing body of a



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- 92 local government shall amend its building permit and inspection
93 utilization report. The report shall include:
- 94 1. Direct and indirect costs incurred by the local
95 government to implement the Florida Building Code, including
96 costs related to the review of:
- 97 a. Building plans.
98 b. Building inspections.
99 c. Building reinspections.
100 d. Building permit processing.
101 e. Building code enforcement.
- 102 2. Number of building permits requested.
103 3. Number of building permits issued.
104 4. Number of building inspections and reinspections
105 conducted.
- 106 5. Number of personnel employed by the local government to
107 implement the Florida Building Code, issue building permits, and
108 conduct inspections.
- 109 6. Salary and related employee benefit costs incurred by
110 the local government to implement the Florida Building Code,
111 issue building permits, and conduct inspections.
- 112 7. Revenue derived from fees pursuant to s. 553.80(7).
113 8. Revenue derived from fines pursuant to s. 553.80(7).
114 9. Investment earnings derived from the local government's
115 investment of revenue derived from fees and fines pursuant to s.
116 533.80(7).



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117 10. Balances carried forward by the local government
118 pursuant to s. 553.80(7).

119 11. Balances refunded by the local government pursuant to
120 s. 553.80(7).

121 Section 4. This act shall take effect July 1, 2018.

122

123 -----

124 **T I T L E A M E N D M E N T**

125 Remove everything before the enacting clause and insert:

126 An act relating to permit fees; amending ss. 125.56
127 and 166.222, F.S.; requiring the governing body of a
128 county and of a municipality to post its permit and
129 inspection fee schedules and building permit and
130 inspection utilization report on its website; amending
131 s. 553.80, F.S.; requiring the governing body of a
132 local government to publish such report and post it on
133 its website; providing reporting requirements;
134 providing an effective date.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	<u> Y </u>	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Careers & Competition
 2 Subcommittee

3 Representative Moraitis offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3), paragraphs (a), (b), and (g) of
 8 subsection (12), and paragraph (e) of subsection (13) of section
 9 718.111, Florida Statutes, are amended to read:

10 718.111 The association.—

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

13 ~~(a)~~ The association may contract, sue, or be sued with
 14 respect to the exercise or nonexercise of its powers. For these
 15 purposes, the powers of the association include, but are not
 16 limited to, the maintenance, management, and operation of the



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17 condominium property. After control of the association is
18 obtained by unit owners other than the developer, the
19 association may institute, maintain, settle, or appeal actions
20 or hearings in its name on behalf of all unit owners concerning
21 matters of common interest to most or all unit owners,
22 including, but not limited to, the common elements; the roof and
23 structural components of a building or other improvements;
24 mechanical, electrical, and plumbing elements serving an
25 improvement or a building; representations of the developer
26 pertaining to any existing or proposed commonly used facilities;
27 and protesting ad valorem taxes on commonly used facilities and
28 on units; and may defend actions in eminent domain or bring
29 inverse condemnation actions. If the association has the
30 authority to maintain a class action, the association may be
31 joined in an action as representative of that class with
32 reference to litigation and disputes involving the matters for
33 which the association could bring a class action. Nothing herein
34 limits any statutory or common-law right of any individual unit
35 owner or class of unit owners to bring any action without
36 participation by the association which may otherwise be
37 available.

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

40 (12) OFFICIAL RECORDS.—



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41 (a) From the inception of the association, the association
42 shall maintain each of the following items, if applicable, which
43 constitutes the official records of the association:

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

46 2. A photocopy of the recorded declaration of condominium
47 of each condominium operated by the association and each
48 amendment to each declaration.

49 3. A photocopy of the recorded bylaws of the association
50 and each amendment to the bylaws.

51 4. A certified copy of the articles of incorporation of
52 the association, or other documents creating the association,
53 and each amendment thereto.

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

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

59 7. A current roster of all unit owners and their mailing
60 addresses, unit identifications, voting certifications, and, if
61 known, telephone numbers. The association shall also maintain
62 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
63 unit owners consenting to receive notice by electronic
64 transmission. The e-mail ~~electronic mailing~~ addresses and
65 facsimile numbers are not accessible to unit owners if consent

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66 to receive notice by electronic transmission is not provided in
67 accordance with sub-subparagraph (c)3.e. However, the
68 association is not liable for an inadvertent disclosure of the
69 e-mail ~~electronic-mail~~ address or facsimile number for receiving
70 electronic transmission of notices.

71 8. All current insurance policies of the association and
72 condominiums operated by the association.

73 9. A current copy of any management agreement, lease, or
74 other contract to which the association is a party or under
75 which the association or the unit owners have an obligation or
76 responsibility.

77 10. Bills of sale or transfer for all property owned by
78 the association.

79 11. Accounting records for the association and separate
80 accounting records for each condominium that the association
81 operates. ~~All accounting records must be maintained for at least~~
82 ~~7 years.~~ Any person who knowingly or intentionally defaces or
83 destroys such records, or who knowingly or intentionally fails
84 to create or maintain such records, with the intent of causing
85 harm to the association or one or more of its members, is
86 personally subject to a civil penalty pursuant to s.
87 718.501(1)(d). The accounting records must include, but are not
88 limited to:

89 a. Accurate, itemized, and detailed records of all
90 receipts and expenditures.

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91 b. A current account and a monthly, bimonthly, or
92 quarterly statement of the account for each unit designating the
93 name of the unit owner, the due date and amount of each
94 assessment, the amount paid on the account, and the balance due.

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

97 d. All contracts for work to be performed. Bids for work
98 to be performed are also considered official records and must be
99 maintained by the association.

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

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

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

109 15. All other written records of the association not
110 specifically included in the foregoing which are related to the
111 operation of the association.

112 16. A copy of the inspection report as described in s.
113 718.301(4)(p).

114 17. Bids for materials, equipment, or services.



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115 (b) The official records specified in subparagraphs (a)1.-
116 6. must be permanently maintained from the inception of the
117 association. All other official records of the association must
118 be maintained within the state for at least 7 years, unless
119 otherwise provided by general law. The records of the
120 association shall be made available to a unit owner within 45
121 miles of the condominium property or within the county in which
122 the condominium property is located within 10 5 working days
123 after receipt of a written request by the board or its designee.
124 However, such distance requirement does not apply to an
125 association governing a timeshare condominium. This paragraph
126 may be complied with by having a copy of the official records of
127 the association available for inspection or copying on the
128 condominium property or association property, or the association
129 may offer the option of making the records available to a unit
130 owner electronically via the Internet or by allowing the records
131 to be viewed in electronic format on a computer screen and
132 printed upon request. The association is not responsible for the
133 use or misuse of the information provided to an association
134 member or his or her authorized representative pursuant to the
135 compliance requirements of this chapter unless the association
136 has an affirmative duty not to disclose such information
137 pursuant to this chapter.

138 (g)1. By January ~~July~~ 1, 2019 ~~2018~~, an association
139 managing a condominium with 150 or more units which does not

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140 contain ~~manage~~ timeshare units shall post digital copies of the
141 documents specified in subparagraph 2. on its website.

142 a. The association's website must be:

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

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

151 b. The association's website must be accessible through
52 the Internet and must contain a subpage, web portal, or other
153 protected electronic location that is inaccessible to the
154 general public and accessible only to unit owners and employees
155 of the association.

156 c. Upon a unit owner's written request, the association
157 must provide the unit owner with a username and password and
158 access to the protected sections of the association's website
159 that contain any notices, records, or documents that must be
160 electronically provided.

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



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163 a. The recorded declaration of condominium of each
164 condominium operated by the association and each amendment to
165 each declaration.

166 b. The recorded bylaws of the association and each
167 amendment to the bylaws.

168 c. The articles of incorporation of the association, or
169 other documents creating the association, and each amendment
170 thereto. The copy posted pursuant to this sub-subparagraph must
171 be a copy of the articles of incorporation filed with the
172 Department of State.

173 d. The rules of the association.

174 e. Any management agreement, lease, or other contract to
175 which the association is a party or under which the association
176 or the unit owners have an obligation or responsibility and,
177 after bidding for the related materials, equipment, or services
178 has closed, a list of bids received by the association within
179 the past year. Summaries of bids for materials, equipment, or
180 services must be maintained on the website for 1 year. In lieu
181 of summaries, complete copies of the bids may be posted.

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

184 g. The financial report required by subsection (13) and
185 any proposed financial report to be considered at a meeting.

186 h. The certification of each director required by s.
187 718.112(2)(d)4.b.

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188 i. All contracts or transactions between the association
189 and any director, officer, corporation, firm, or association
190 that is not an affiliated condominium association or any other
191 entity in which an association director is also a director or
192 officer and financially interested.

193 j. Any contract or document regarding a conflict of
194 interest or possible conflict of interest as provided in ss.
195 468.436(2)(b)6. and 718.3027(3) ss. ~~468.436(2) and 718.3026(3).~~

196 k. The notice of any unit owner meeting and the agenda for
197 the meeting, as required by s. 718.112(2)(d)3., no later than 14
198 days before the meeting. The notice must be posted in plain view
199 on the front page of the website, or on a separate subpage of
200 the website labeled "Notices" which is conspicuously visible and
201 linked from the front page. The association must also post on
202 its website any document to be considered and voted on by the
203 owners during the meeting or any document listed on the agenda
204 at least 7 days before the meeting at which the document or the
205 information within the document will be considered.

206 1. Notice of any board meeting, the agenda, and any other
207 document required for the meeting as required by s.
208 718.112(2)(c), which must be posted no later than the date
209 required for notice pursuant to s. 718.112(2)(c).

210 3. The association shall ensure that the information and
211 records described in paragraph (c), which are not allowed
212 ~~permitted~~ to be accessible to unit owners, are not posted on the

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213 association's website. If protected information or information
214 restricted from being accessible to unit owners is included in
215 documents that are required to be posted on the association's
216 website, the association shall ensure the information is
217 redacted before posting the documents online. Notwithstanding
218 the foregoing, the association or its agent is not liable for
219 disclosing information that is protected or restricted pursuant
220 to this paragraph unless such disclosure was made with a knowing
221 or intentional disregard of the protected or restricted nature
222 of such information.

223 (13) FINANCIAL REPORTING.—Within 90 days after the end of
224 the fiscal year, or annually on a date provided in the bylaws,
225 the association shall prepare and complete, or contract for the
226 preparation and completion of, a financial report for the
227 preceding fiscal year. Within 21 days after the final financial
228 report is completed by the association or received from the
229 third party, but not later than 120 days after the end of the
230 fiscal year or other date as provided in the bylaws, the
231 association shall mail to each unit owner at the address last
232 furnished to the association by the unit owner, or hand deliver
233 to each unit owner, a copy of the most recent financial report
234 or a notice that a copy of the most recent financial report will
235 be mailed or hand delivered to the unit owner, without charge,
236 within 5 business days after receipt of a written request from
237 the unit owner. The division shall adopt rules setting forth

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238 uniform accounting principles and standards to be used by all
239 associations and addressing the financial reporting requirements
240 for multicondominium associations. The rules must include, but
241 not be limited to, standards for presenting a summary of
242 association reserves, including a good faith estimate disclosing
243 the annual amount of reserve funds that would be necessary for
244 the association to fully fund reserves for each reserve item
245 based on the straight-line accounting method. This disclosure is
246 not applicable to reserves funded via the pooling method. In
247 adopting such rules, the division shall consider the number of
248 members and annual revenues of an association. Financial reports
249 shall be prepared as follows:

50 (e) A unit owner may provide written notice to the
251 division of the association's failure to mail or hand deliver
252 him or her a copy of the most recent financial report within 5
253 business days after he or she submitted a written request to the
254 association for a copy of such report. If the division
255 determines that the association failed to mail or hand deliver a
256 copy of the most recent financial report to the unit owner, the
257 division shall provide written notice to the association that
258 the association must mail or hand deliver a copy of the most
259 recent financial report to the unit owner and the division
260 within 5 business days after it receives such notice from the
261 division. An association that fails to comply with the
262 division's request may not waive the financial reporting

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263 requirement provided in paragraph (d) for the fiscal year in
264 which the unit owner's request was made and the following fiscal
265 year. A financial report received by the division pursuant to
266 this paragraph shall be maintained, and the division shall
267 provide a copy of such report to an association member upon his
268 or her request.

269 Section 2. Paragraphs (a), (c), (d), and (j) of subsection
270 (2) of section 718.112, Florida Statutes, are amended to read:

271 718.112 Bylaws.—

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

275 (a) Administration.—

276 1. The form of administration of the association shall be
277 described indicating the title of the officers and board of
278 administration and specifying the powers, duties, manner of
279 selection and removal, and compensation, if any, of officers and
280 boards. In the absence of such a provision, the board of
281 administration shall be composed of five members, unless the
282 ~~except in the case of a condominium which~~ has five or fewer
283 units. The board shall consist of not fewer than three members
284 in condominiums with five or fewer units that are not-for-profit
285 ~~corporations, in which case in a not for profit corporation the~~
286 ~~board shall consist of not fewer than three members.~~ In the
287 absence of provisions to the contrary in the bylaws, the board

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288 of administration shall have a president, a secretary, and a
289 treasurer, who shall perform the duties of such officers
290 customarily performed by officers of corporations. Unless
291 prohibited in the bylaws, the board of administration may
292 appoint other officers and grant them the duties it deems
293 appropriate. Unless otherwise provided in the bylaws, the
294 officers shall serve without compensation and at the pleasure of
295 the board of administration. Unless otherwise provided in the
296 bylaws, the members of the board shall serve without
297 compensation.

298 2. When a unit owner of a residential condominium files a
299 written inquiry by certified mail with the board of
300 administration, the board shall respond in writing to the unit
301 owner within 30 days after receipt of the inquiry. The board's
302 response shall either give a substantive response to the
303 inquirer, notify the inquirer that a legal opinion has been
304 requested, or notify the inquirer that advice has been requested
305 from the division. If the board requests advice from the
306 division, the board shall, within 10 days after its receipt of
307 the advice, provide in writing a substantive response to the
308 inquirer. If a legal opinion is requested, the board shall,
309 within 60 days after the receipt of the inquiry, provide in
310 writing a substantive response to the inquiry. The failure to
311 provide a substantive response to the inquiry as provided herein
312 precludes the board from recovering attorney fees and costs in

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313 any subsequent litigation, administrative proceeding, or
314 arbitration arising out of the inquiry. The association may
315 through its board of administration adopt reasonable rules and
316 regulations regarding the frequency and manner of responding to
317 unit owner inquiries, one of which may be that the association
318 is only obligated to respond to one written inquiry per unit in
319 any given 30-day period. In such a case, any additional inquiry
320 or inquiries must be responded to in the subsequent 30-day
321 period, or periods, as applicable.

322 (c) Board of administration meetings.—Meetings of the
323 board of administration at which a quorum of the members is
324 present are open to all unit owners. Members of the board of
325 administration may use e-mail as a means of communication but
326 may not cast a vote on an association matter via e-mail. A unit
327 owner may tape record or videotape the meetings. The right to
328 attend such meetings includes the right to speak at such
329 meetings with reference to all designated agenda items. The
330 division shall adopt reasonable rules governing the tape
331 recording and videotaping of the meeting. The association may
332 adopt written reasonable rules governing the frequency,
333 duration, and manner of unit owner statements.

334 1. Adequate notice of all board meetings, which must
335 specifically identify all agenda items, must be posted
336 conspicuously on the condominium property at least 48 continuous
337 hours before the meeting except in an emergency. If 20 percent

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338 of the voting interests petition the board to address an item of
339 business, the board, within 60 days after receipt of the
340 petition, shall place the item on the agenda at its next regular
341 board meeting or at a special meeting called for that purpose.
342 An item not included on the notice may be taken up on an
343 emergency basis by a vote of at least a majority plus one of the
344 board members. Such emergency action must be noticed and
345 ratified at the next regular board meeting. ~~However,~~ Written
346 notice of a meeting at which a nonemergency special assessment
347 or an amendment to rules regarding unit use will be considered
348 must be mailed, delivered, or electronically transmitted to the
349 unit owners and posted conspicuously on the condominium property
50 at least 14 days before the meeting. Evidence of compliance with
351 this 14-day notice requirement must be made by an affidavit
352 executed by the person providing the notice and filed with the
353 official records of the association. Notice of any meeting in
354 which regular or special assessments against unit owners are to
355 be considered must specifically state that assessments will be
356 considered and provide the estimated cost and description of the
357 purposes for such assessments. Upon notice to the unit owners,
358 the board shall, by duly adopted rule, designate a specific
359 location on the condominium ~~or association~~ property where all
360 notices of board meetings must be posted. If there is no
361 condominium property ~~or association property~~ where notices can
362 be posted, notices shall be mailed, delivered, or electronically

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363 transmitted to each unit owner at least 14 days before the
364 meeting. In lieu of or in addition to the physical posting of
365 the notice on the condominium property, the association may, by
366 reasonable rule, adopt a procedure for conspicuously posting and
367 repeatedly broadcasting the notice and the agenda on a closed-
368 circuit cable television system serving the condominium
369 association. However, if broadcast notice is used in lieu of a
370 notice physically posted on condominium property, the notice and
371 agenda must be broadcast at least four times every broadcast
372 hour of each day that a posted notice is otherwise required
373 under this section. If broadcast notice is provided, the notice
374 and agenda must be broadcast in a manner and for a sufficient
375 continuous length of time so as to allow an average reader to
376 observe the notice and read and comprehend the entire content of
377 the notice and the agenda. In addition to any of the authorized
378 means of providing notice of a meeting of the board, the
379 association may, by rule, adopt a procedure for conspicuously
380 posting the meeting notice and the agenda on a website serving
381 the condominium association for at least the minimum period of
382 time for which a notice of a meeting is also required to be
383 physically posted on the condominium property. Any rule adopted
384 shall, in addition to other matters, include a requirement that
385 the association send an electronic notice in the same manner as
386 a notice for a meeting of the members, which must include a
387 hyperlink to the website where the notice is posted, to unit

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388 owners whose e-mail addresses are included in the association's
389 official records. ~~Notice of any meeting in which regular or~~
390 ~~special assessments against unit owners are to be considered~~
391 ~~must specifically state that assessments will be considered and~~
392 ~~provide the nature, estimated cost, and description of the~~
393 ~~purposes for such assessments.~~

394 2. Meetings of a committee to take final action on behalf
395 of the board or make recommendations to the board regarding the
396 association budget are subject to this paragraph. Meetings of a
397 committee that does not take final action on behalf of the board
398 or make recommendations to the board regarding the association
399 budget are subject to this section, unless those meetings are
00 exempted from this section by the bylaws of the association.

401 3. Notwithstanding any other law, the requirement that
402 board meetings and committee meetings be open to the unit owners
403 does not apply to:

404 a. Meetings between the board or a committee and the
405 association's attorney, with respect to proposed or pending
406 litigation, if the meeting is held for the purpose of seeking or
407 rendering legal advice; or

408 b. Board meetings held for the purpose of discussing
409 personnel matters.

410 (d) Unit owner meetings.—

411 1. An annual meeting of the unit owners must ~~shall~~ be held
412 at the location provided in the association bylaws and, if the

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413 bylaws are silent as to the location, the meeting must ~~shall~~ be
414 held within 45 miles of the condominium property. However, such
415 distance requirement does not apply to an association governing
416 a timeshare condominium.

417 2. Unless the bylaws provide otherwise, a vacancy on the
418 board caused by the expiration of a director's term must ~~shall~~
419 be filled by electing a new board member, and the election must
420 be by secret ballot. An election is not required if the number
421 of vacancies equals or exceeds the number of candidates. For
422 purposes of this paragraph, the term "candidate" means an
423 eligible person who has timely submitted the written notice, as
424 described in sub-subparagraph 4.a., of his or her intention to
425 become a candidate. Except in a timeshare or nonresidential
426 condominium, or if the staggered term of a board member does not
427 expire until a later annual meeting, or if all members' terms
428 would otherwise expire but there are no candidates, the terms of
429 all board members expire at the annual meeting, and such members
430 may stand for reelection unless prohibited by the bylaws. Each
431 term may not exceed 2 years, unless a shorter term is specified
432 ~~Board members may serve 2 year terms if permitted by the bylaws~~
433 ~~or articles of incorporation. A board member may not serve more~~
434 ~~than four consecutive 2 year terms, unless approved by an~~
435 ~~affirmative vote of two thirds of the total voting interests of~~
436 ~~the association or unless there are not enough eligible~~
437 ~~candidates to fill the vacancies on the board at the time of the~~

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438 ~~vacancy.~~ If the number of board members whose terms expire at
439 the annual meeting equals or exceeds the number of candidates,
440 the candidates become members of the board effective upon the
441 adjournment of the annual meeting. Unless the bylaws provide
442 otherwise, any remaining vacancies shall be filled by the
443 affirmative vote of the majority of the directors making up the
444 newly constituted board even if the directors constitute less
445 than a quorum or there is only one director. In a residential
446 condominium association of more than 10 units or in a
447 residential condominium association that does not include
448 timeshare units or timeshare interests, coowners of a unit may
449 not serve as members of the board of directors at the same time
50 unless they own more than one unit or unless there are not
451 enough eligible candidates to fill the vacancies on the board at
452 the time of the vacancy. A unit owner in a residential
453 condominium desiring to be a candidate for board membership must
454 comply with sub-subparagraph 4.a. and must be eligible to be a
455 candidate to serve on the board of directors at the time of the
456 deadline for submitting a notice of intent to run in order to
457 have his or her name listed as a proper candidate on the ballot
458 or to serve on the board. A person who has been suspended or
459 removed by the division under this chapter, or who is delinquent
460 in the payment of any monetary obligation due to the
461 association, is not eligible to be a candidate for board
462 membership and may not be listed on the ballot. A person who has

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463 been convicted of any felony in this state or in a United States
464 District or Territorial Court, or who has been convicted of any
465 offense in another jurisdiction which would be considered a
466 felony if committed in this state, is not eligible for board
467 membership unless such felon's civil rights have been restored
468 for at least 5 years as of the date such person seeks election
469 to the board. The validity of an action by the board is not
470 affected if it is later determined that a board member is
471 ineligible for board membership due to having been convicted of
472 a felony. This subparagraph does not limit the term of a member
473 of the board of a nonresidential or timeshare condominium.

474 3. The bylaws must provide the method of calling meetings
475 of unit owners, including annual meetings. Written notice must
476 include an agenda, must be mailed, hand delivered, or
477 electronically transmitted to each unit owner at least 14 days
478 before the annual meeting, and must be posted in a conspicuous
479 place on the condominium property at least 14 continuous days
480 before the annual meeting. Upon notice to the unit owners, the
481 board shall, by duly adopted rule, designate a specific location
482 on the condominium property ~~or association property~~ where all
483 notices of unit owner meetings must ~~shall~~ be posted. This
484 requirement does not apply if there is no condominium property
485 ~~or association property~~ for posting notices. In lieu of, or in
486 addition to, the physical posting of meeting notices, the
487 association may, by reasonable rule, adopt a procedure for

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488 conspicuously posting and repeatedly broadcasting the notice and
489 the agenda on a closed-circuit cable television system serving
490 the condominium association. However, if broadcast notice is
491 used in lieu of a notice posted physically on the condominium
492 property, the notice and agenda must be broadcast at least four
493 times every broadcast hour of each day that a posted notice is
494 otherwise required under this section. If broadcast notice is
495 provided, the notice and agenda must be broadcast in a manner
496 and for a sufficient continuous length of time so as to allow an
497 average reader to observe the notice and read and comprehend the
498 entire content of the notice and the agenda. In addition to any
499 of the authorized means of providing notice of a meeting of the
00 board, the association may, by rule, adopt a procedure for
501 conspicuously posting the meeting notice and the agenda on a
502 website serving the condominium association for at least the
503 minimum period of time for which a notice of a meeting is also
504 required to be physically posted on the condominium property.
505 Any rule adopted shall, in addition to other matters, include a
506 requirement that the association send an electronic notice in
507 the same manner as a notice for a meeting of the members, which
508 must include a hyperlink to the website where the notice is
509 posted, to unit owners whose e-mail addresses are included in
510 the association's official records. Unless a unit owner waives
511 in writing the right to receive notice of the annual meeting,
512 such notice must be hand delivered, mailed, or electronically

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513 transmitted to each unit owner. Notice for meetings and notice
514 for all other purposes must be mailed to each unit owner at the
515 address last furnished to the association by the unit owner, or
516 hand delivered to each unit owner. However, if a unit is owned
517 by more than one person, the association must provide notice to
518 the address that the developer identifies for that purpose and
519 thereafter as one or more of the owners of the unit advise the
520 association in writing, or if no address is given or the owners
521 of the unit do not agree, to the address provided on the deed of
522 record. An officer of the association, or the manager or other
523 person providing notice of the association meeting, must provide
524 an affidavit or United States Postal Service certificate of
525 mailing, to be included in the official records of the
526 association affirming that the notice was mailed or hand
527 delivered in accordance with this provision.

528 4. The members of the board of a residential condominium
529 shall be elected by written ballot or voting machine. Proxies
530 may not be used in electing the board in general elections or
531 elections to fill vacancies caused by recall, resignation, or
532 otherwise, unless otherwise provided in this chapter. This
533 subparagraph does not apply to an association governing a
534 timeshare condominium.

535 a. At least 60 days before a scheduled election, the
536 association shall mail, deliver, or electronically transmit, by
537 separate association mailing or included in another association

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538 mailing, delivery, or transmission, including regularly
539 published newsletters, to each unit owner entitled to a vote, a
540 first notice of the date of the election. A unit owner or other
541 eligible person desiring to be a candidate for the board must
542 give written notice of his or her intent to be a candidate to
543 the association at least 40 days before a scheduled election.
544 Together with the written notice and agenda as set forth in
545 subparagraph 3., the association shall mail, deliver, or
546 electronically transmit a second notice of the election to all
547 unit owners entitled to vote, together with a ballot that lists
548 all candidates. Upon request of a candidate, an information
549 sheet, no larger than 8 1/2 inches by 11 inches, which must be
50 furnished by the candidate at least 35 days before the election,
551 must be included with the mailing, delivery, or transmission of
552 the ballot, with the costs of mailing, delivery, or electronic
553 transmission and copying to be borne by the association. The
554 association is not liable for the contents of the information
555 sheets prepared by the candidates. In order to reduce costs, the
556 association may print or duplicate the information sheets on
557 both sides of the paper. The division shall by rule establish
558 voting procedures consistent with this sub-subparagraph,
559 including rules establishing procedures for giving notice by
560 electronic transmission and rules providing for the secrecy of
561 ballots. Elections shall be decided by a plurality of ballots
562 cast. There is no quorum requirement; however, at least 20

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563 percent of the eligible voters must cast a ballot in order to
564 have a valid election. A unit owner may not authorize ~~permit~~ any
565 other person to vote his or her ballot, and any ballots
566 improperly cast are invalid. A unit owner who violates this
567 provision may be fined by the association in accordance with s.
568 718.303. A unit owner who needs assistance in casting the ballot
569 for the reasons stated in s. 101.051 may obtain such assistance.
570 The regular election must occur on the date of the annual
571 meeting. Notwithstanding this sub-subparagraph, an election is
572 not required unless more candidates file notices of intent to
573 run or are nominated than board vacancies exist.

574 b. Within 90 days after being elected or appointed to the
575 board of an association of a residential condominium, each newly
576 elected or appointed director shall certify in writing to the
577 secretary of the association that he or she has read the
578 association's declaration of condominium, articles of
579 incorporation, bylaws, and current written policies; that he or
580 she will work to uphold such documents and policies to the best
581 of his or her ability; and that he or she will faithfully
582 discharge his or her fiduciary responsibility to the
583 association's members. In lieu of this written certification,
584 within 90 days after being elected or appointed to the board,
585 the newly elected or appointed director may submit a certificate
586 of having satisfactorily completed the educational curriculum
587 administered by a division-approved condominium education

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588 provider within 1 year before or 90 days after the date of
589 election or appointment. The written certification or
590 educational certificate is valid and does not have to be
591 resubmitted as long as the director serves on the board without
592 interruption. A director of an association of a residential
593 condominium who fails to timely file the written certification
594 or educational certificate is suspended from service on the
595 board until he or she complies with this sub-subparagraph. The
596 board may temporarily fill the vacancy during the period of
597 suspension. The secretary shall cause the association to retain
598 a director's written certification or educational certificate
599 for inspection by the members for 5 years after a director's
00 election or the duration of the director's uninterrupted tenure,
601 whichever is longer. Failure to have such written certification
602 or educational certificate on file does not affect the validity
603 of any board action.

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

606 5. Any approval by unit owners called for by this chapter
607 or the applicable declaration or bylaws, including, but not
608 limited to, the approval requirement in s. 718.111(8), must be
609 made at a duly noticed meeting of unit owners and is subject to
610 all requirements of this chapter or the applicable condominium
611 documents relating to unit owner decisionmaking, except that
612 unit owners may take action by written agreement, without

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613 meetings, on matters for which action by written agreement
614 without meetings is expressly allowed by the applicable bylaws
615 or declaration or any law that provides for such action.

616 6. Unit owners may waive notice of specific meetings if
617 allowed by the applicable bylaws or declaration or any law.
618 Notice of meetings of the board of administration, unit owner
619 meetings, except unit owner meetings called to recall board
620 members under paragraph (j), and committee meetings may be given
621 by electronic transmission to unit owners who consent to receive
622 notice by electronic transmission. A unit owner who consents to
623 receiving notices by electronic transmission is solely
624 responsible for removing or bypassing filters that block receipt
625 of mass emails sent to members on behalf of the association in
626 the course of giving electronic notices.

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

631 8. A unit owner may tape record or videotape a meeting of
632 the unit owners subject to reasonable rules adopted by the
633 division.

634 9. Unless otherwise provided in the bylaws, any vacancy
635 occurring on the board before the expiration of a term may be
636 filled by the affirmative vote of the majority of the remaining
637 directors, even if the remaining directors constitute less than

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638 a quorum, or by the sole remaining director. In the alternative,
639 a board may hold an election to fill the vacancy, in which case
640 the election procedures must conform to sub-subparagraph 4.a.
641 unless the association governs 10 units or fewer and has opted
642 out of the statutory election process, in which case the bylaws
643 of the association control. Unless otherwise provided in the
644 bylaws, a board member appointed or elected under this section
645 shall fill the vacancy for the unexpired term of the seat being
646 filled. Filling vacancies created by recall is governed by
647 paragraph (j) and rules adopted by the division.

648 10. This chapter does not limit the use of general or
649 limited proxies, require the use of general or limited proxies,
650 or require the use of a written ballot or voting machine for any
651 agenda item or election at any meeting of a timeshare
652 condominium association or nonresidential condominium
653 association.

654

655 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
656 association of 10 or fewer units may, by affirmative vote of a
657 majority of the total voting interests, provide for different
658 voting and election procedures in its bylaws, which may be by a
659 proxy specifically delineating the different voting and election
660 procedures. The different voting and election procedures may
661 provide for elections to be conducted by limited or general
662 proxy.

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663 (j) Recall of board members.—Subject to s. 718.301, any
664 member of the board of administration may be recalled and
665 removed from office with or without cause by the vote or
666 agreement in writing by a majority of all the voting interests.
667 A special meeting of the unit owners to recall a member or
668 members of the board of administration may be called by 10
669 percent of the voting interests giving notice of the meeting as
670 required for a meeting of unit owners, and the notice shall
671 state the purpose of the meeting. Electronic transmission may
672 not be used as a method of giving notice of a meeting called in
673 whole or in part for this purpose.

674 1. If the recall is approved by a majority of all voting
675 interests by a vote at a meeting, the recall will be effective
676 as provided in this paragraph. The board shall duly notice and
677 hold a board meeting within 5 full business days after the
678 adjournment of the unit owner meeting to recall one or more
679 board members. Such member or members shall be recalled
680 effective immediately upon conclusion of the board meeting
681 provided that the recall is facially valid. A recalled member
682 must and shall turn over to the board, within 10 full business
683 days after the vote, any and all records and property of the
684 association in their possession.

685 2. If the proposed recall is by an agreement in writing by
686 a majority of all voting interests, the agreement in writing or
687 a copy thereof shall be served on the association by certified

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688 mail or by personal service in the manner authorized by chapter
689 48 and the Florida Rules of Civil Procedure. The board of
690 administration shall duly notice and hold a meeting of the board
691 within 5 full business days after receipt of the agreement in
692 writing. Such member or members shall be recalled effective
693 immediately upon the conclusion of the board meeting provided
694 that the recall is facially valid. A recalled member must and
695 ~~shall~~ turn over to the board, within 10 full business days, any
696 and all records and property of the association in their
697 possession.

698 3. If the board fails to duly notice and hold a board
699 meeting within 5 full business days after service of an
700 agreement in writing or within 5 full business days after the
701 adjournment of the unit owner recall meeting, the recall shall
702 be deemed effective and the board members so recalled shall turn
703 over to the board within 10 full business days after the vote
704 any and all records and property of the association.

705 4. If the board fails to duly notice and hold the required
706 meeting ~~or fails to file the required petition,~~ the unit owner
707 representative may file a petition pursuant to s. 718.1255
708 challenging the board's failure to act. The petition must be
709 filed within 60 days after the expiration of the applicable 5-
710 full-business-day period. The review of a petition under this
711 subparagraph is limited to the sufficiency of service on the



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712 board and the facial validity of the written agreement or
713 ballots filed.

714 5. If a vacancy occurs on the board as a result of a
715 recall or removal and less than a majority of the board members
716 are removed, the vacancy may be filled by the affirmative vote
717 of a majority of the remaining directors, notwithstanding any
718 provision to the contrary contained in this subsection. If
719 vacancies occur on the board as a result of a recall and a
720 majority or more of the board members are removed, the vacancies
721 shall be filled in accordance with procedural rules to be
722 adopted by the division, which rules need not be consistent with
723 this subsection. The rules must provide procedures governing the
724 conduct of the recall election as well as the operation of the
725 association during the period after a recall but before the
726 recall election.

727 6. A board member who has been recalled may file a
728 petition pursuant to s. 718.1255 challenging the validity of the
729 recall. The petition must be filed within 60 days after the
730 recall. The association and the unit owner representative shall
731 be named as the respondents. The petition may challenge the
732 facial validity of the written agreement or ballots filed or the
733 substantial compliance with the procedural requirements for the
734 recall. If the arbitrator determines the recall was invalid, the
735 petitioning board member shall immediately be reinstated and the
736 recall is null and void. A board member who is successful in

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737 challenging a recall is entitled to recover reasonable attorney
738 fees and costs from the respondents. The arbitrator may award
739 reasonable attorney fees and costs to the respondents if they
740 prevail, if the arbitrator makes a finding that the petitioner's
741 claim is frivolous.

742 7. The division may not accept for filing a recall
743 petition, whether filed pursuant to subparagraph 1.,
744 subparagraph 2., subparagraph 4., or subparagraph 6. when there
745 are 60 or fewer days until the scheduled reelection of the board
746 member sought to be recalled or when 60 or fewer days have
747 elapsed since the election of the board member sought to be
748 recalled.

749 Section 3. Subsection (2) of section 718.113, Florida
750 Statutes, is amended to read:

751 718.113 Maintenance; limitation upon improvement; display
752 of flag; hurricane shutters and protection; display of religious
753 decorations.—

754 (2) (a) Except as otherwise provided in this section, there
755 shall be no material alteration or substantial additions to the
756 common elements or to real property which is association
757 property, except in a manner provided in the declaration as
758 originally recorded or as amended under the procedures provided
759 therein. If the declaration as originally recorded or as amended
760 under the procedures provided therein does not specify the
761 procedure for approval of material alterations or substantial

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762 additions, 75 percent of the total voting interests of the
763 association must approve the alterations or additions before the
764 material alterations or substantial additions are commenced.

765 This paragraph is intended to clarify existing law and applies
766 to associations existing on July 1, 2018 ~~October 1, 2008~~.

767 (b) There shall not be any material alteration of, or
768 substantial addition to, the common elements of any condominium
769 operated by a multicondominium association unless approved in
770 the manner provided in the declaration of the affected
771 condominium or condominiums as originally recorded or as amended
772 under the procedures provided therein. If a declaration as
773 originally recorded or as amended under the procedures provided
774 therein does not specify a procedure for approving such an
775 alteration or addition, the approval of 75 percent of the total
776 voting interests of each affected condominium is required before
777 the material alterations or substantial additions are commenced.

778 This subsection does not prohibit a provision in any
779 declaration, articles of incorporation, or bylaws as originally
780 recorded or as amended under the procedures provided therein
781 requiring the approval of unit owners in any condominium
782 operated by the same association or requiring board approval
783 before a material alteration or substantial addition to the
784 common elements is permitted. This paragraph is intended to
785 clarify existing law and applies to associations existing on
786 July 1, 2018 ~~the effective date of this act.~~

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787 (c) There shall not be any material alteration or
788 substantial addition made to association real property operated
789 by a multicondominium association, except as provided in the
790 declaration, articles of incorporation, or bylaws as originally
791 recorded or as amended under the procedures provided therein. If
792 the declaration, articles of incorporation, or bylaws as
793 originally recorded or as amended under the procedures provided
794 therein do not specify the procedure for approving an alteration
795 or addition to association real property, the approval of 75
796 percent of the total voting interests of the association is
797 required before the material alterations or substantial
798 additions are commenced. This paragraph is intended to clarify
99 existing law and applies to associations existing on July 1,
800 2018 ~~the effective date of this act.~~

801 Section 4. Subsection (3) of section 718.3026, Florida
802 Statutes, is amended to read:

803 718.3026 Contracts for products and services; in writing;
804 bids; exceptions.—Associations with 10 or fewer units may opt
805 out of the provisions of this section if two-thirds of the unit
806 owners vote to do so, which opt-out may be accomplished by a
807 proxy specifically setting forth the exception from this
808 section.

809 ~~(3) As to any contract or other transaction between an~~
810 ~~association and one or more of its directors or any other~~
811 ~~corporation, firm, association, or entity in which one or more~~

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812 ~~of its directors are directors or officers or are financially~~
813 ~~interested.~~

814 ~~(a) The association shall comply with the requirements of~~
815 ~~s. 617.0832.~~

816 ~~(b) The disclosures required by s. 617.0832 shall be~~
817 ~~entered into the written minutes of the meeting.~~

818 ~~(c) Approval of the contract or other transaction shall~~
819 ~~require an affirmative vote of two thirds of the directors~~
820 ~~present.~~

821 ~~(d) At the next regular or special meeting of the members,~~
822 ~~the existence of the contract or other transaction shall be~~
823 ~~disclosed to the members. Upon motion of any member, the~~
824 ~~contract or transaction shall be brought up for a vote and may~~
825 ~~be canceled by a majority vote of the members present. Should~~
826 ~~the members cancel the contract, the association shall only be~~
827 ~~liable for the reasonable value of goods and services provided~~
828 ~~up to the time of cancellation and shall not be liable for any~~
829 ~~termination fee, liquidated damages, or other form of penalty~~
830 ~~for such cancellation.~~

831 Section 5. Section 718.3027, Florida Statutes, is amended
832 to read:

833 718.3027 Conflicts of interest.—

834 (1) Directors and officers of a board of an association
835 that is not a timeshare condominium association, and the
836 relatives of such directors and officers, must disclose to the

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837 board any activity that may reasonably be construed to be a
838 conflict of interest. A rebuttable presumption of a conflict of
839 interest exists if any of the following occurs without prior
840 notice, as required in subsection ~~(5)~~(4):

841 (a) A director or an officer, or a relative of a director
842 or an officer, enters into a contract for goods or services with
843 the association.

844 (b) A director or an officer, or a relative of a director
845 or an officer, holds an interest in a corporation, limited
846 liability corporation, partnership, limited liability
847 partnership, or other business entity that conducts business
848 with the association or proposes to enter into a contract or
49 other transaction with the association.

850 (2) If a director or an officer, or a relative of a
851 director or an officer, proposes to engage in an activity that
852 is a conflict of interest, as described in subsection (1), the
853 proposed activity must be listed on, and all contracts and
854 transactional documents related to the proposed activity must be
855 attached to, the meeting agenda. The association shall comply
856 with the requirements of s. 617.0832, and the disclosures
857 required by s. 617.0832 shall be entered into the written
858 minutes of the meeting. Approval of the contract or other
859 transaction requires an affirmative vote of two-thirds of all
860 other directors present. At the next regular or special meeting
861 of the members, the existence of the contract or other

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862 transaction shall be disclosed to the members. Upon motion of
863 any member, the contract or transaction shall be brought up for
864 a vote and may be canceled by a majority vote of the members
865 present. If the contract is canceled, the association is only
866 liable for the reasonable value of the goods and services
867 provided up to the time of cancellation and is not liable for
868 any termination fee, liquidated damages, or other form of
869 penalty for such cancellation.

870 (3) If the board votes against the proposed activity, the
871 director or officer, or the relative of the director or officer,
872 must notify the board in writing of his or her intention not to
873 pursue the proposed activity or to withdraw from office. If the
874 board finds that an officer or a director has violated this
875 subsection, the officer or director shall be deemed removed from
876 office. The vacancy shall be filled according to general law.

877 ~~(4)~~ (3) A director or an officer, or a relative of a
878 director or an officer, who is a party to, or has an interest
879 in, an activity that is a possible conflict of interest, as
880 described in subsection (1), may attend the meeting at which the
881 activity is considered by the board and is authorized to make a
882 presentation to the board regarding the activity. After the
883 presentation, the director or officer, or the relative of the
884 director or officer, must leave the meeting during the
885 discussion of, and the vote on, the activity. A director or an



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886 officer who is a party to, or has an interest in, the activity
887 must recuse himself or herself from the vote.

888 ~~(5)(4)~~ A contract entered into between a director or an
889 officer, or a relative of a director or an officer, and the
890 association, which is not a timeshare condominium association,
891 that has not been properly disclosed as a conflict of interest
892 or potential conflict of interest as required by s.

893 718.111(12)(g) is voidable and terminates upon the filing of a
894 written notice terminating the contract with the board of
895 directors which contains the consent of at least 20 percent of
896 the voting interests of the association.

897 ~~(6)(5)~~ As used in this section, the term "relative" means
98 a relative within the third degree of consanguinity by blood or
899 marriage.

900 Section 6. Paragraph (b) of subsection (3) of section
901 718.303, Florida Statutes, is amended to read:

902 718.303 Obligations of owners and occupants; remedies.—

903 (3) The association may levy reasonable fines for the
904 failure of the owner of the unit or its occupant, licensee, or
905 invitee to comply with any provision of the declaration, the
906 association bylaws, or reasonable rules of the association. A
907 fine may not become a lien against a unit. A fine may be levied
908 by the board on the basis of each day of a continuing violation,
909 with a single notice and opportunity for hearing before a



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910 committee as provided in paragraph (b). However, the fine may
911 not exceed \$100 per violation, or \$1,000 in the aggregate.

912 (b) A fine or suspension levied by the board of
913 administration may not be imposed unless the board first
914 provides at least 14 days' written notice ~~and an opportunity for~~
915 ~~a hearing~~ to the unit owner and, if applicable, any its
916 occupant, licensee, or invitee of the unit owner sought to be
917 fined or suspended and an opportunity for a hearing. ~~The hearing~~
918 ~~must be held~~ before a committee of at least three members
919 appointed by the board who are not officers, directors, or
920 employees of the association, or the spouse, parent, child,
921 brother, or sister of an officer, director, or employee other
922 ~~unit owners who are neither board members nor persons residing~~
923 ~~in a board member's household.~~ The role of the committee is
924 limited to determining whether to confirm or reject the fine or
925 suspension levied by the board. If the committee does not
926 approve agree, the proposed fine or suspension by majority vote,
927 the fine or suspension may not be imposed. If the proposed fine
928 or suspension is approved by the committee, the fine payment is
929 due 5 days after the date of the committee meeting at which the
930 fine is approved. The association must provide written notice of
931 such fine or suspension by mail or hand delivery to the unit
932 owner and, if applicable, to any tenant, licensee, or invitee of
933 the unit owner.



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934 Section 7. Section 718.707, Florida Statutes, is amended
935 to read:

936 718.707 Time limitation for classification as bulk
937 assignee or bulk buyer.—A person acquiring condominium parcels
938 may not be classified as a bulk assignee or bulk buyer unless
939 the condominium parcels were acquired on or after July 1, 2010,
940 ~~but before July 1, 2018~~. The date of such acquisition shall be
941 determined by the date of recording a deed or other instrument
942 of conveyance for such parcels in the public records of the
943 county in which the condominium is located, or by the date of
944 issuing a certificate of title in a foreclosure proceeding with
945 respect to such condominium parcels.

46 Section 8. Paragraphs (a) and (b) of subsection (2) of
947 section 719.104, Florida Statutes, are amended to read:

948 719.104 Cooperatives; access to units; records; financial
949 reports; assessments; purchase of leases.—

950 (2) OFFICIAL RECORDS.—

951 (a) From the inception of the association, the association
952 shall maintain a copy of each of the following, where
953 applicable, which shall constitute the official records of the
954 association:

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

957 2. A photocopy of the cooperative documents.

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

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959 4. A book or books containing the minutes of all meetings
960 of the association, of the board of directors, and of the unit
961 owners, ~~which minutes shall be retained for a period of not less~~
962 ~~than 7 years.~~

963 5. A current roster of all unit owners and their mailing
964 addresses, unit identifications, voting certifications, and, if
965 known, telephone numbers. The association shall also maintain
966 the e-mail ~~electronic mailing~~ addresses and the numbers
967 designated by unit owners for receiving notice sent by
968 electronic transmission of those unit owners consenting to
969 receive notice by electronic transmission. The e-mail ~~electronic~~
970 ~~mailing~~ addresses and numbers provided by unit owners to receive
971 notice by electronic transmission shall be removed from
972 association records when consent to receive notice by electronic
973 transmission is revoked. However, the association is not liable
974 for an erroneous disclosure of the e-mail ~~electronic mail~~
975 address or the number for receiving electronic transmission of
976 notices.

977 6. All current insurance policies of the association.

978 7. A current copy of any management agreement, lease, or
979 other contract to which the association is a party or under
980 which the association or the unit owners have an obligation or
981 responsibility.

982 8. Bills of sale or transfer for all property owned by the
983 association.

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984 9. Accounting records for the association and separate
985 accounting records for each unit it operates, according to good
986 accounting practices. ~~All accounting records shall be maintained~~
987 ~~for a period of not less than 7 years.~~ The accounting records
988 shall include, but not be limited to:

989 a. Accurate, itemized, and detailed records of all
990 receipts and expenditures.

991 b. A current account and a monthly, bimonthly, or
992 quarterly statement of the account for each unit designating the
993 name of the unit owner, the due date and amount of each
994 assessment, the amount paid upon the account, and the balance
995 due.

996 c. All audits, reviews, accounting statements, and
997 financial reports of the association.

998 d. All contracts for work to be performed. Bids for work
999 to be performed shall also be considered official records and
1000 shall be maintained for a period of 1 year.

1001 10. Ballots, sign-in sheets, voting proxies, and all other
1002 papers and electronic records relating to voting by unit owners,
1003 which shall be maintained for a period of 1 year after the date
1004 of the election, vote, or meeting to which the document relates.

1005 11. All rental records where the association is acting as
1006 agent for the rental of units.

1007 12. A copy of the current question and answer sheet as
1008 described in s. 719.504.

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1009 13. All other written records of the association not
1010 specifically included in the foregoing which are related to the
1011 operation of the association.

1012 (b) The official records of the association must be
1013 maintained within the state for at least 7 years. The records of
1014 the association shall be made available to a unit owner within
1015 45 miles of the cooperative property or within the county in
1016 which the cooperative property is located within 10 5 working
1017 days after receipt of written request by the board or its
1018 designee. This paragraph may be complied with by having a copy
1019 of the official records of the association available for
1020 inspection or copying on the cooperative property or the
1021 association may offer the option of making the records available
1022 to a unit owner electronically via the Internet or by allowing
1023 the records to be viewed in an electronic format on a computer
1024 screen and printed upon request. The association is not
1025 responsible for the use or misuse of the information provided to
1026 an association member or his or her authorized representative
1027 pursuant to the compliance requirements of this chapter unless
1028 the association has an affirmative duty not to disclose such
1029 information pursuant to this chapter.

1030 Section 9. Paragraphs (a), (c), and (d) of subsection (1)
1031 of section 719.106, Florida Statutes, are amended, and paragraph
1032 (m) is added to that subsection, to read:

1033 719.106 Bylaws; cooperative ownership.-

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1034 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1035 documents shall provide for the following, and if they do not,
1036 they shall be deemed to include the following:

1037 (a) Administration.—

1038 1. The form of administration of the association shall be
1039 described, indicating the titles of the officers and board of
1040 administration and specifying the powers, duties, manner of
1041 selection and removal, and compensation, if any, of officers and
1042 board members. In the absence of such a provision, the board of
1043 administration shall be composed of five members, unless the
1044 cooperative except in the case of cooperatives has having five
1045 or fewer units., in which case in not for profit corporations,
1046 The board shall consist of not fewer than three members in
1047 cooperatives with five or fewer units that are not-for-profit
1048 corporations. In a residential cooperative association of more
1049 than 10 units, co-owners of a unit may not serve as members of
1050 the board of directors at the same time unless the co-owners own
1051 more than one unit or unless there are not enough eligible
1052 candidates to fill the vacancies on the board at the time of the
1053 vacancy. In the absence of provisions to the contrary, the board
1054 of administration shall have a president, a secretary, and a
1055 treasurer, who shall perform the duties of those offices
1056 customarily performed by officers of corporations. Unless
1057 prohibited in the bylaws, the board of administration may
1058 appoint other officers and grant them those duties it deems

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1059 appropriate. Unless otherwise provided in the bylaws, the
1060 officers shall serve without compensation and at the pleasure of
1061 the board. Unless otherwise provided in the bylaws, the members
1062 of the board shall serve without compensation.

1063 2. A person who has been suspended or removed by the
1064 division under this chapter, or who is delinquent in the payment
1065 of any monetary obligation due to the association, is not
1066 eligible to be a candidate for board membership and may not be
1067 listed on the ballot. A director or officer charged by
1068 information or indictment with a felony theft or embezzlement
1069 offense involving the association's funds or property is
1070 suspended from office. The board shall fill the vacancy
1071 according to general law until the end of the period of the
1072 suspension or the end of the director's term of office,
1073 whichever occurs first. However, if the charges are resolved
1074 without a finding of guilt or without acceptance of a plea of
1075 guilty or nolo contendere, the director or officer shall be
1076 reinstated for any remainder of his or her term of office. A
1077 member who has such criminal charges pending may not be
1078 appointed or elected to a position as a director or officer. A
1079 person who has been convicted of any felony in this state or in
1080 any United States District Court, or who has been convicted of
1081 any offense in another jurisdiction which would be considered a
1082 felony if committed in this state, is not eligible for board
1083 membership unless such felon's civil rights have been restored

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1084 for at least 5 years as of the date such person seeks election
1085 to the board. The validity of an action by the board is not
1086 affected if it is later determined that a board member is
1087 ineligible for board membership due to having been convicted of
1088 a felony.

1089 3. When a unit owner files a written inquiry by certified
1090 mail with the board of administration, the board shall respond
1091 in writing to the unit owner within 30 days of receipt of the
1092 inquiry. The board's response shall either give a substantive
1093 response to the inquirer, notify the inquirer that a legal
1094 opinion has been requested, or notify the inquirer that advice
1095 has been requested from the division. If the board requests
96 advice from the division, the board shall, within 10 days of its
1097 receipt of the advice, provide in writing a substantive response
1098 to the inquirer. If a legal opinion is requested, the board
1099 shall, within 60 days after the receipt of the inquiry, provide
1100 in writing a substantive response to the inquirer. The failure
1101 to provide a substantive response to the inquirer as provided
1102 herein precludes the board from recovering attorney's fees and
1103 costs in any subsequent litigation, administrative proceeding,
1104 or arbitration arising out of the inquiry. The association may,
1105 through its board of administration, adopt reasonable rules and
1106 regulations regarding the frequency and manner of responding to
1107 the unit owners' inquiries, one of which may be that the
1108 association is obligated to respond to only one written inquiry

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1109 per unit in any given 30-day period. In such case, any
1110 additional inquiry or inquiries must be responded to in the
1111 subsequent 30-day period, or periods, as applicable.

1112 (c) Board of administration meetings. Members of the board
1113 of administration may use e-mail as a means of communication but
1114 may not cast a vote on an association matter via e-mail.

1115 Meetings of the board of administration at which a quorum of the
1116 members is present shall be open to all unit owners. Any unit
1117 owner may tape record or videotape meetings of the board of
1118 administration. The right to attend such meetings includes the
1119 right to speak at such meetings with reference to all designated
1120 agenda items. The division shall adopt reasonable rules
1121 governing the tape recording and videotaping of the meeting. The
1122 association may adopt reasonable written rules governing the
1123 frequency, duration, and manner of unit owner statements.

1124 Adequate notice of all meetings shall be posted in a conspicuous
1125 place upon the cooperative property at least 48 continuous hours
1126 preceding the meeting, except in an emergency. Any item not
1127 included on the notice may be taken up on an emergency basis by
1128 at least a majority plus one of the members of the board. Such
1129 emergency action shall be noticed and ratified at the next
1130 regular meeting of the board. Notice of any meeting in which
1131 regular or special assessments against unit owners are to be
1132 considered must specifically state that assessments will be
1133 considered and provide the estimated cost and description of the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 841 (2018)

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1134 purpose for such assessments. ~~However,~~ Written notice of any
1135 meeting at which nonemergency special assessments, or at which
1136 amendment to rules regarding unit use, will be considered shall
1137 be mailed, delivered, or electronically transmitted to the unit
1138 owners and posted conspicuously on the cooperative property not
1139 less than 14 days before the meeting. Evidence of compliance
1140 with this 14-day notice shall be made by an affidavit executed
1141 by the person providing the notice and filed among the official
1142 records of the association. Upon notice to the unit owners, the
1143 board shall by duly adopted rule designate a specific location
1144 on the cooperative property upon which all notices of board
1145 meetings shall be posted. In lieu of or in addition to the
46 physical posting of notice of any meeting of the board of
1147 administration on the cooperative property, the association may,
1148 by reasonable rule, adopt a procedure for conspicuously posting
1149 and repeatedly broadcasting the notice and the agenda on a
1150 closed-circuit cable television system serving the cooperative
1151 association. However, if broadcast notice is used in lieu of a
1152 notice posted physically on the cooperative property, the notice
1153 and agenda must be broadcast at least four times every broadcast
1154 hour of each day that a posted notice is otherwise required
1155 under this section. When broadcast notice is provided, the
1156 notice and agenda must be broadcast in a manner and for a
1157 sufficient continuous length of time so as to allow an average
1158 reader to observe the notice and read and comprehend the entire

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1159 content of the notice and the agenda. In addition to any of the
1160 authorized means of providing notice of a meeting of the board,
1161 the association may, by rule, adopt a procedure for
1162 conspicuously posting the meeting notice and the agenda on a
1163 website serving the cooperative association for at least the
1164 minimum period of time for which a notice of a meeting is also
1165 required to be physically posted on the cooperative property.
1166 Any rule adopted shall, in addition to other matters, include a
1167 requirement that the association send an electronic notice in
1168 the same manner as a notice for a meeting of the members, which
1169 must include a hyperlink to the website where the notice is
1170 posted, to unit owners whose e-mail addresses are included in
1171 the association's official records. ~~Notice of any meeting in~~
1172 ~~which regular assessments against unit owners are to be~~
1173 ~~considered for any reason shall specifically contain a statement~~
1174 ~~that assessments will be considered and the nature of any such~~
1175 ~~assessments.~~ Meetings of a committee to take final action on
1176 behalf of the board or to make recommendations to the board
1177 regarding the association budget are subject to the provisions
1178 of this paragraph. Meetings of a committee that does not take
1179 final action on behalf of the board or make recommendations to
1180 the board regarding the association budget are subject to the
1181 provisions of this section, unless those meetings are exempted
1182 from this section by the bylaws of the association.
1183 Notwithstanding any other law to the contrary, the requirement

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1184 that board meetings and committee meetings be open to the unit
1185 owners does not apply to board or committee meetings held for
1186 the purpose of discussing personnel matters or meetings between
1187 the board or a committee and the association's attorney, with
1188 respect to proposed or pending litigation, if the meeting is
1189 held for the purpose of seeking or rendering legal advice.

1190 (d) Shareholder meetings.—There shall be an annual meeting
1191 of the shareholders. All members of the board of administration
1192 shall be elected at the annual meeting unless the bylaws provide
1193 for staggered election terms or for their election at another
1194 meeting. Any unit owner desiring to be a candidate for board
1195 membership must comply with subparagraph 1. The bylaws must
96 provide the method for calling meetings, including annual
1197 meetings. Written notice, which must incorporate an
1198 identification of agenda items, shall be given to each unit
1199 owner at least 14 days before the annual meeting and posted in a
1200 conspicuous place on the cooperative property at least 14
1201 continuous days preceding the annual meeting. Upon notice to the
1202 unit owners, the board must by duly adopted rule designate a
1203 specific location on the cooperative property upon which all
1204 notice of unit owner meetings are posted. In lieu of or in
1205 addition to the physical posting of the meeting notice, the
1206 association may, by reasonable rule, adopt a procedure for
1207 conspicuously posting and repeatedly broadcasting the notice and
1208 the agenda on a closed-circuit cable television system serving

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1209 the cooperative association. However, if broadcast notice is
1210 used in lieu of a posted notice, the notice and agenda must be
1211 broadcast at least four times every broadcast hour of each day
1212 that a posted notice is otherwise required under this section.
1213 If broadcast notice is provided, the notice and agenda must be
1214 broadcast in a manner and for a sufficient continuous length of
1215 time to allow an average reader to observe the notice and read
1216 and comprehend the entire content of the notice and the agenda.
1217 In addition to any of the authorized means of providing notice
1218 of a meeting of the shareholders, the association may, by rule,
1219 adopt a procedure for conspicuously posting the meeting notice
1220 and the agenda on a website serving the cooperative association
1221 for at least the minimum period of time for which a notice of a
1222 meeting is also required to be physically posted on the
1223 cooperative property. Any rule adopted shall, in addition to
1224 other matters, include a requirement that the association send
1225 an electronic notice in the same manner as a notice for a
1226 meeting of the members, which must include a hyperlink to the
1227 website where the notice is posted, to unit owners whose e-mail
1228 addresses are included in the association's official records.
1229 Unless a unit owner waives in writing the right to receive
1230 notice of the annual meeting, the notice of the annual meeting
1231 must be sent by mail, hand delivered, or electronically
1232 transmitted to each unit owner. An officer of the association
1233 must provide an affidavit or United States Postal Service

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1234 certificate of mailing, to be included in the official records
1235 of the association, affirming that notices of the association
1236 meeting were mailed, hand delivered, or electronically
1237 transmitted, in accordance with this provision, to each unit
1238 owner at the address last furnished to the association.

1239 1. The board of administration shall be elected by written
1240 ballot or voting machine. A proxy may not be used in electing
1241 the board of administration in general elections or elections to
1242 fill vacancies caused by recall, resignation, or otherwise
1243 unless otherwise provided in this chapter.

1244 a. At least 60 days before a scheduled election, the
1245 association shall mail, deliver, or transmit, whether by
46 separate association mailing, delivery, or electronic
1247 transmission or included in another association mailing,
1248 delivery, or electronic transmission, including regularly
1249 published newsletters, to each unit owner entitled to vote, a
1250 first notice of the date of the election. Any unit owner or
1251 other eligible person desiring to be a candidate for the board
1252 of administration must give written notice to the association at
1253 least 40 days before a scheduled election. Together with the
1254 written notice and agenda as set forth in this section, the
1255 association shall mail, deliver, or electronically transmit a
1256 second notice of election to all unit owners entitled to vote,
1257 together with a ballot that lists all candidates. Upon request
1258 of a candidate, the association shall include an information

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1259 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1260 furnished by the candidate at least 35 days before the election,
1261 to be included with the mailing, delivery, or electronic
1262 transmission of the ballot, with the costs of mailing, delivery,
1263 or transmission and copying to be borne by the association. The
1264 association is not liable for the contents of the information
1265 sheets provided by the candidates. In order to reduce costs, the
1266 association may print or duplicate the information sheets on
1267 both sides of the paper. The division shall by rule establish
1268 voting procedures consistent with this subparagraph, including
1269 rules establishing procedures for giving notice by electronic
1270 transmission and rules providing for the secrecy of ballots.
1271 Elections shall be decided by a plurality of those ballots cast.
1272 There is no quorum requirement. However, at least 20 percent of
1273 the eligible voters must cast a ballot in order to have a valid
1274 election. A unit owner may not permit any other person to vote
1275 his or her ballot, and any such ballots improperly cast are
1276 invalid. A unit owner who needs assistance in casting the ballot
1277 for the reasons stated in s. 101.051 may obtain assistance in
1278 casting the ballot. Any unit owner violating this provision may
1279 be fined by the association in accordance with s. 719.303. The
1280 regular election must occur on the date of the annual meeting.
1281 This subparagraph does not apply to timeshare cooperatives.
1282 Notwithstanding this subparagraph, an election and balloting are
1283 not required unless more candidates file a notice of intent to

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1284 run or are nominated than vacancies exist on the board. Any
1285 challenge to the election process must be commenced within 60
1286 days after the election results are announced.

1287 b. Within 90 days after being elected or appointed to the
1288 board, each new director shall certify in writing to the
1289 secretary of the association that he or she has read the
1290 association's bylaws, articles of incorporation, proprietary
1291 lease, and current written policies; that he or she will work to
1292 uphold such documents and policies to the best of his or her
1293 ability; and that he or she will faithfully discharge his or her
1294 fiduciary responsibility to the association's members. Within 90
1295 days after being elected or appointed to the board, in lieu of
96 this written certification, the newly elected or appointed
1297 director may submit a certificate of having satisfactorily
1298 completed the educational curriculum administered by an
1299 education provider as approved by the division pursuant to the
1300 requirements established in chapter 718 within 1 year before or
1301 90 days after the date of election or appointment. The
1302 educational certificate is valid and does not have to be
1303 resubmitted as long as the director serves on the board without
1304 interruption. A director who fails to timely file the written
1305 certification or educational certificate is suspended from
1306 service on the board until he or she complies with this sub-
1307 subparagraph. The board may temporarily fill the vacancy during
1308 the period of suspension. The secretary of the association shall

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1309 cause the association to retain a director's written
1310 certification or educational certificate for inspection by the
1311 members for 5 years after a director's election or the duration
1312 of the director's uninterrupted tenure, whichever is longer.
1313 Failure to have such written certification or educational
1314 certificate on file does not affect the validity of any board
1315 action.

1316 2. Any approval by unit owners called for by this chapter,
1317 or the applicable cooperative documents, must be made at a duly
1318 noticed meeting of unit owners and is subject to this chapter or
1319 the applicable cooperative documents relating to unit owner
1320 decisionmaking, except that unit owners may take action by
1321 written agreement, without meetings, on matters for which action
1322 by written agreement without meetings is expressly allowed by
1323 the applicable cooperative documents or law which provides for
1324 the unit owner action.

1325 3. Unit owners may waive notice of specific meetings if
1326 allowed by the applicable cooperative documents or law. Notice
1327 of meetings of the board of administration, shareholder
1328 meetings, except shareholder meetings called to recall board
1329 members under paragraph (f), and committee meetings may be given
1330 by electronic transmission to unit owners who consent to receive
1331 notice by electronic transmission. A unit owner who consents to
1332 receiving notices by electronic transmission is solely
1333 responsible for removing or bypassing filters that may block

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1334 receipt of mass emails sent to members on behalf of the
1335 association in the course of giving electronic notices.

1336 4. Unit owners have the right to participate in meetings
1337 of unit owners with reference to all designated agenda items.
1338 However, the association may adopt reasonable rules governing
1339 the frequency, duration, and manner of unit owner participation.

1340 5. Any unit owner may tape record or videotape meetings of
1341 the unit owners subject to reasonable rules adopted by the
1342 division.

1343 6. Unless otherwise provided in the bylaws, a vacancy
1344 occurring on the board before the expiration of a term may be
1345 filled by the affirmative vote of the majority of the remaining
46 directors, even if the remaining directors constitute less than
1347 a quorum, or by the sole remaining director. In the alternative,
1348 a board may hold an election to fill the vacancy, in which case
1349 the election procedures must conform to the requirements of
1350 subparagraph 1. unless the association has opted out of the
1351 statutory election process, in which case the bylaws of the
1352 association control. Unless otherwise provided in the bylaws, a
1353 board member appointed or elected under this subparagraph shall
1354 fill the vacancy for the unexpired term of the seat being
1355 filled. Filling vacancies created by recall is governed by
1356 paragraph (f) and rules adopted by the division.

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1358 Notwithstanding subparagraphs (b)2. and (d)1., an association
1359 may, by the affirmative vote of a majority of the total voting
1360 interests, provide for a different voting and election procedure
1361 in its bylaws, which vote may be by a proxy specifically
1362 delineating the different voting and election procedures. The
1363 different voting and election procedures may provide for
1364 elections to be conducted by limited or general proxy.

1365 (m) Director or officer delinquencies.—A director or
1366 officer more than 90 days delinquent in the payment of any
1367 monetary obligation due the association shall be deemed to have
1368 abandoned the office, creating a vacancy in the office to be
1369 filled according to law.

1370 Section 10. Paragraph (b) of subsection (1) of section
1371 719.107, Florida Statutes, is amended to read:

1372 719.107 Common expenses; assessment.—

1373 (1)

1374 (b) If so provided in the bylaws, the cost of
1375 communications services as defined in chapter 202, information
1376 services or Internet services ~~a master antenna television system~~
1377 ~~or duly franchised cable television service~~ obtained pursuant to
1378 a bulk contract shall be deemed a common expense, and if not
1379 obtained pursuant to a bulk contract, such cost shall be
1380 considered common expense if it is designated as such in a
1381 written contract between the board of administration and the
1382 company providing the communications services as defined in

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1383 chapter 202, information services or Internet services ~~master~~
1384 ~~television antenna system or the cable television service.~~ The
1385 contract shall be for a term of not less than 2 years.

1386 1. Any contract made by the board after April 2, 1992, for
1387 a community antenna system or duly franchised cable television
1388 service, communications services as defined in chapter 202,
1389 information services or Internet services may be canceled by a
1390 majority of the voting interests present at the next regular or
1391 special meeting of the association. Any member may make a motion
1392 to cancel the contract, but if no motion is made or if such
1393 motion fails to obtain the required majority at the next regular
1394 or special meeting, whichever is sooner, following the making of
95 the contract, then such contract shall be deemed ratified for
1396 the term therein expressed.

1397 2. Any such contract shall provide, and shall be deemed to
1398 provide if not expressly set forth, that any hearing impaired or
1399 legally blind unit owner who does not occupy the unit with a
1400 nonhearing impaired or sighted person may discontinue the
1401 service without incurring disconnect fees, penalties, or
1402 subsequent service charges, and as to such units, the owners
1403 shall not be required to pay any common expenses charge related
1404 to such service. If less than all members of an association
1405 share the expenses of cable television, the expense shall be
1406 shared equally by all participating unit owners. The association
1407 may use the provisions of s. 719.108 to enforce payment of the

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1408 shares of such costs by the unit owners receiving cable
1409 television.

1410 Section 11. Paragraph (b) of subsection (3) of section
1411 719.303, Florida Statutes, is amended to read:

1412 719.303 Obligations of owners.—

1413 (3) The association may levy reasonable fines for failure
1414 of the unit owner or the unit's occupant, licensee, or invitee
1415 to comply with any provision of the cooperative documents or
1416 reasonable rules of the association. A fine may not become a
1417 lien against a unit. A fine may be levied by the board on the
1418 basis of each day of a continuing violation, with a single
1419 notice and opportunity for hearing before a committee as
1420 provided in paragraph (b). However, the fine may not exceed \$100
1421 per violation, or \$1,000 in the aggregate.

1422 (b) A fine or suspension levied by the board of
1423 administration may not be imposed unless the board first
1424 provides at least 14 days' written notice ~~and an opportunity for~~
1425 ~~a hearing~~ to the unit owner and, if applicable, any its
1426 occupant, licensee, or invitee of the unit owner sought to be
1427 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1428 ~~must be held~~ before a committee of at least three members
1429 appointed by the board who are not officers, directors, or
1430 employees of the association, or the spouse, parent, child,
1431 brother, or sister of an officer, director, or employee other
1432 ~~unit owners who are neither board members nor persons residing~~

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1433 ~~in a board member's household.~~ The role of the committee is
1434 limited to determining whether to confirm or reject the fine or
1435 suspension levied by the board. If the committee does not
1436 approve ~~agree with~~ the proposed fine or suspension by majority
1437 vote, the fine or suspension ~~it~~ may not be imposed. If the
1438 proposed fine or suspension is approved by the committee, the
1439 fine payment is due 5 days after the date of the committee
1440 meeting at which the fine is approved. The association must
1441 provide written notice of such fine or suspension by mail or
1442 hand delivery to the unit owner and, if applicable, to any
1443 tenant, licensee, or invitee of the unit owner.

1444 Section 12. Paragraphs (a) and (c) of subsection (2) of
45 section 720.303, Florida Statutes, are amended, to read:

1446 720.303 Association powers and duties; meetings of board;
1447 official records; budgets; financial reporting; association
1448 funds; recalls.-

1449 (2) BOARD MEETINGS.-

1450 (a) Members of the board of administration may use e-mail
1451 as a means of communication, but may not cast a vote on an
1452 association matter via e-mail. A meeting of the board of
1453 directors of an association occurs whenever a quorum of the
1454 board gathers to conduct association business. Meetings of the
1455 board must be open to all members, except for meetings between
1456 the board and its attorney with respect to proposed or pending
1457 litigation where the contents of the discussion would otherwise

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1458 be governed by the attorney-client privilege. A meeting of the
1459 board must be held at a location that is accessible to a
1460 physically handicapped person if requested by a physically
1461 handicapped person who has a right to attend the meeting. The
1462 provisions of this subsection shall also apply to the meetings
1463 of any committee or other similar body when a final decision
1464 will be made regarding the expenditure of association funds and
1465 to meetings of any body vested with the power to approve or
1466 disapprove architectural decisions with respect to a specific
1467 parcel of residential property owned by a member of the
1468 community.

1469 (c) The bylaws shall provide the following for giving
1470 notice to parcel owners and members of all board meetings and,
1471 if they do not do so, shall be deemed to include ~~provide~~ the
1472 following:

1473 1. Notices of all board meetings must be posted in a
1474 conspicuous place in the community at least 48 hours in advance
1475 of a meeting, except in an emergency. In the alternative, if
1476 notice is not posted in a conspicuous place in the community,
1477 notice of each board meeting must be mailed or delivered to each
1478 member at least 7 days before the meeting, except in an
1479 emergency. Notwithstanding this general notice requirement, for
1480 communities with more than 100 members, the association bylaws
1481 may provide for a reasonable alternative to posting or mailing
1482 of notice for each board meeting, including publication of

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1483 notice, provision of a schedule of board meetings, or the
1484 conspicuous posting and repeated broadcasting of the notice on a
1485 closed-circuit cable television system serving the homeowners'
1486 association. However, if broadcast notice is used in lieu of a
1487 notice posted physically in the community, the notice must be
1488 broadcast at least four times every broadcast hour of each day
1489 that a posted notice is otherwise required. When broadcast
1490 notice is provided, the notice and agenda must be broadcast in a
1491 manner and for a sufficient continuous length of time so as to
1492 allow an average reader to observe the notice and read and
1493 comprehend the entire content of the notice and the agenda. The
1494 association may provide notice by electronic transmission in a
95 manner authorized by law for meetings of the board of directors,
1496 committee meetings requiring notice under this section, and
1497 annual and special meetings of the members to any member who has
1498 provided a facsimile number or e-mail address to the association
1499 to be used for such purposes; however, a member must consent in
1500 writing to receiving notice by electronic transmission.

1501 2. An assessment may not be levied at a board meeting
1502 unless the notice of the meeting includes a statement that
1503 assessments will be considered and the nature of the
1504 assessments. Written notice of any meeting at which special
1505 assessments will be considered or at which amendments to rules
1506 regarding parcel use will be considered must be mailed,
1507 delivered, or electronically transmitted to the members and

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1508 parcel owners and posted conspicuously on the property or
1509 broadcast on closed-circuit cable television not less than 14
1510 days before the meeting.

1511 3. Directors may not vote by proxy or by secret ballot at
1512 board meetings, except that secret ballots may be used in the
1513 election of officers. This subsection also applies to the
1514 meetings of any committee or other similar body, when a final
1515 decision will be made regarding the expenditure of association
1516 funds, and to any body vested with the power to approve or
1517 disapprove architectural decisions with respect to a specific
1518 parcel of residential property owned by a member of the
1519 community.

1520 Section 13. Paragraph (b) of subsection (2) of section
1521 720.305, Florida Statutes, is amended to read:

1522 720.305 Obligations of members; remedies at law or in
1523 equity; levy of fines and suspension of use rights.-

1524 (2) The association may levy reasonable fines. A fine may
1525 not exceed \$100 per violation against any member or any member's
1526 tenant, guest, or invitee for the failure of the owner of the
1527 parcel or its occupant, licensee, or invitee to comply with any
1528 provision of the declaration, the association bylaws, or
1529 reasonable rules of the association unless otherwise provided in
1530 the governing documents. A fine may be levied by the board for
1531 each day of a continuing violation, with a single notice and
1532 opportunity for hearing, except that the fine may not exceed

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1533 \$1,000 in the aggregate unless otherwise provided in the
1534 governing documents. A fine of less than \$1,000 may not become a
1535 lien against a parcel. In any action to recover a fine, the
1536 prevailing party is entitled to reasonable attorney fees and
1537 costs from the nonprevailing party as determined by the court.

1538 (b) A fine or suspension levied ~~may not be imposed~~ by the
1539 board of administration may not be imposed unless the board
1540 first provides ~~without~~ at least 14 days' notice to the parcel
1541 owner and, if applicable, any occupant, licensee, or invitee of
1542 the parcel owner, ~~person~~ sought to be fined or suspended and an
1543 opportunity for a hearing before a committee of at least three
1544 members appointed by the board who are not officers, directors,
45 or employees of the association, or the spouse, parent, child,
1546 brother, or sister of an officer, director, or employee. If the
1547 committee, by majority vote, does not approve a proposed fine or
1548 suspension, the proposed fine or suspension ~~it~~ may not be
1549 imposed. The role of the committee is limited to determining
1550 whether to confirm or reject the fine or suspension levied by
1551 the board. If the proposed ~~board of administration imposes a~~
1552 fine or suspension levied by the board is approved by the
1553 committee, the fine payment is due 5 days after the date of the
1554 committee meeting at which the fine is approved. The association
1555 must provide written notice of such fine or suspension by mail
1556 or hand delivery to the parcel owner and, if applicable, to any
1557 tenant, licensee, or invitee of the parcel owner.

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1558 Section 14. Paragraph (a) of subsection (9) of section
1559 720.306, Florida Statutes, is amended to read:

1560 720.306 Meetings of members; voting and election
1561 procedures; amendments.—

1562 (9) ELECTIONS AND BOARD VACANCIES.—

1563 (a) Elections of directors must be conducted in accordance
1564 with the procedures set forth in the governing documents of the
1565 association. Except as provided in paragraph (b), all members of
1566 the association are eligible to serve on the board of directors,
1567 and a member may nominate himself or herself as a candidate for
1568 the board at a meeting where the election is to be held;
1569 provided, however, that if the election process allows
1570 candidates to be nominated in advance of the meeting, the
1571 association is not required to allow nominations at the meeting.
1572 An election is not required unless more candidates are nominated
1573 than vacancies exist. If an election is not required because
1574 there are either an equal number or fewer qualified candidates
1575 than vacancies exist, and if nominations from the floor are not
1576 required pursuant to this section or the bylaws, write-in
1577 nominations are not permitted and such qualified candidates
1578 shall commence service on the board of directors, regardless of
1579 whether a quorum is attained at the annual meeting. Except as
1580 otherwise provided in the governing documents, boards of
1581 directors must be elected by a plurality of the votes cast by
1582 eligible voters. Any challenge to the election process must be

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1583 commenced within 60 days after the election results are
1584 announced.

1585 Section 15. Paragraph (b) of subsection (3) of section
1586 720.3085, Florida Statutes, is amended to read:

1587 720.3085 Payment for assessments; lien claims.—

1588 (3) Assessments and installments on assessments that are
1589 not paid when due bear interest from the due date until paid at
1590 the rate provided in the declaration of covenants or the bylaws
1591 of the association, which rate may not exceed the rate allowed
1592 by law. If no rate is provided in the declaration or bylaws,
1593 interest accrues at the rate of 18 percent per year.

1594 (b) Any payment received by an association and accepted
95 shall be applied first to any interest accrued, then to any
1596 administrative late fee, then to any costs and reasonable
1597 attorney fees incurred in collection, and then to the delinquent
1598 assessment. This paragraph applies notwithstanding any
1599 restrictive endorsement, designation, or instruction placed on
1600 or accompanying a payment. A late fee is not subject to the
1601 provisions of chapter 687 and is not a fine. The foregoing is
1602 applicable notwithstanding s. 673.3111, any purported accord and
1603 satisfaction, or any restrictive endorsement, designation, or
1604 instruction placed on or accompanying a payment. The preceding
1605 sentence is intended to clarify existing law.

1606 Section 16. This act shall take effect July 1, 2018.

1607

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1608 -----
1609 **T I T L E A M E N D M E N T**
1610 Remove everything before the enacting clause and insert:
1611 An act relating to community associations; amending s.
1612 718.111, F.S.; revising condominium association
1613 recordkeeping and financial reporting requirements;
1614 revising record retention policies; revising the list
1615 of documents that the association is required to post
1616 online; limiting an association's liability for
1617 inadvertent disclosure of protected or restricted
1618 information; amending s. 718.112, F.S.; revising
1619 provisions relating to required association bylaws;
1620 removing board term limits; authorizing an association
1621 to adopt rules for posting certain notices on a
1622 website; providing responsibilities for unit owners
1623 who receive electronic notices; revising and providing
1624 board member recall and challenge requirements;
1625 authorizing the recovery of attorney fees and costs in
1626 an action to challenge the validity of a board member
1627 recall; amending s. 718.113, F.S.; revising voting
1628 requirements relating to alterations and additions to
1629 certain common elements or association property;
1630 amending s. 718.3026, F.S.; removing a provision
1631 relating to certain contracts or transactions
1632 regarding conflicts of interest; amending s. 718.3027,

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1633 F.S.; providing requirements for proposed activity
1634 that is identified as a conflict of interest; amending
1635 s. 718.303, F.S.; revising fine and suspension
1636 requirements; amending s. 718.707, F.S.; revising the
1637 time period for classification as a bulk assignee or
1638 bulk buyer; amending s. 719.104, F.S.; revising
1639 cooperative association recordkeeping requirements;
1640 amending s. 719.106, F.S.; revising requirements to
1641 serve as a board member; prohibiting a board member
1642 from voting via e-mail; authorizing an association to
1643 adopt rules for posting certain notices on a website;
1644 providing responsibilities for unit owners who receive
45 electronic notices; providing that directors or
1646 officers who are delinquent in certain payments owed
1647 in excess of certain periods of time be deemed to have
1648 abandoned their offices; amending s. 719.107, F.S.;
1649 specifying that certain services which are obtained
1650 pursuant to a bulk contract are deemed a common
1651 expense; amending s. 719.303, F.S.; revising fine and
1652 suspension requirements; amending s. 720.303, F.S.;
1653 prohibiting a board member from voting via e-mail;
1654 amending s. 720.305, F.S.; revising fine and
1655 suspension requirements; amending s. 720.306, F.S.;
1656 revising election requirements; amending s. 720.3085,



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1657 F.S.; providing applicability; providing an effective
1658 date.



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> Y </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Careers & Competition
 2 Subcommittee

3 Representative Trumbull offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 212.099, Florida Statutes, is created
 8 to read:

9 212.099 Sales tax refund for eligible job training
 10 organizations.-

11 (1) As used in this section, the term:

12 (a) "Eligible job training organization" means an
 13 organization that:

14 1. Is an exempt organization under s. 501(c)(3) of the
 15 Internal Revenue Code of 1986, as amended;



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16 2. Provides job training and employment services to low-
17 income persons, as defined in s. 420.0004(11), individuals who
18 have workplace disadvantages, or individuals with barriers to
19 employment;

20 3. Is accredited by the Commission on Accreditation of
21 Rehabilitation Facilities; and

22 4. Is certified by the Department of Economic Opportunity
23 as meeting the requirements of this section.

24 (b) "Growth in employment hours" means the annual growth
25 in the number of hours worked by employees in the current year
26 compared with the number of hours worked by employees in the
27 previous year.

28 (c) "Job training and employment services" means programs
29 and services that are provided to improve job readiness, assist
30 workers in gaining employment and adapting to the changing labor
31 market, and achieve worker success through self-sufficiency.

32 (2) An eligible job training organization is entitled to a
33 refund of 10 percent of the sales tax remitted to the department
34 during the prior state fiscal year on its sales of goods donated
35 to the organization. The refund must be reserved exclusively for
36 use in any of the following:

37 (a) Growth in employment hours;

38 (b) Job training and employment services to low-income
39 persons, as defined in s. 420.0004(11), individuals who have



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40 workplace disadvantages, and individuals with barriers to
41 employment; or

42 (c) Job training and employment services for veterans.

43 (3) The total amount of refunds issued under this section
44 may not exceed \$2 million in any state fiscal year granted on a
45 first-come, first-served basis.

46 (4) An eligible job training organization seeking a refund
47 under this section must submit an initial application to the
48 Department of Economic Opportunity by July 15, which sets forth
49 that the organization meets the requirements under paragraph
50 (1)(a) and that the refund will be used exclusively for the
51 purposes in subsection (2). The organization may submit
52 supporting information as prescribed by rule.

53 (5) The Department of Economic Opportunity must verify the
54 application and notify the applicant of its determination within
55 15 days of receiving the application. If the Department of
56 Economic Opportunity approves the application, it must send to
57 the eligible job training organization a notice that indicates
58 its certification to receive a refund of certain sales and use
59 tax remitted under this chapter. Upon the Department of Economic
60 Opportunity's issuance of a certification, such certification
61 remains in effect so long as the eligible job training
62 organization is in compliance with the requirements of this
63 section.

868827 - Amendment 1 for CCS.docx

Published On: 1/22/2018 6:37:08 PM



Amendment No. 1

64 (6) An eligible job training organization certified under
65 this section must apply to the department between August 1 and
66 August 31 of each year to receive a refund. The first
67 application for a refund submitted to the department must be
68 accompanied by a copy of the certification.

69 (7) For purposes of this section, an eligible job training
70 organization comprised of commonly owned and controlled entities
71 is deemed to be a single entity.

72 (8) By July 15 of each year, an eligible job training
73 organization must provide a report to the Department of Economic
74 Opportunity which describes the use of the amount refunded. The
75 report must include all of the following:

76 (a) The amount of the refund used to create growth in
77 employment hours.

78 (b) The total annual growth in employment hours.

79 (c) The amount of the refund used for job training and
80 employment services.

81 (d) The number of individuals who participated in job
82 training and employment services at the eligible job training
83 organization for the fiscal year in which the requested funds
84 were remitted to the department.

85 (e) A statement declaring that the eligible job training
86 organization continues to meet the requirements of this section.

87 (9) Administration.—



Amendment No. 1

88 (a) The Department of Economic Opportunity may adopt rules
89 to administer this section, including rules for the approval and
90 disapproval of applications.

91 (b) The decision of the Department of Economic Opportunity
92 must be in writing or, if agreed to by the applicant, electronic
93 mail. Upon approval, the Department of Economic Opportunity
94 shall transmit a copy of the decision to the department.

95 (c) If the Department of Economic Opportunity determines
96 that an eligible job training organization no longer qualifies
97 for the refund under this section, the Department of Economic
98 Opportunity must notify the department immediately. The
99 department may not issue a refund after receiving such
100 notification.

101 (d) Notwithstanding s. 95.091(3)(a)6.b., the department may
102 audit any refund within 4 years after the date of which a refund
103 is granted. The overpayment of a refund or a refund issued to an
104 ineligible organization is subject to repayment and interest at
105 the rate calculated pursuant to s. 213.235.

106
107 -----
108 **T I T L E A M E N D M E N T**

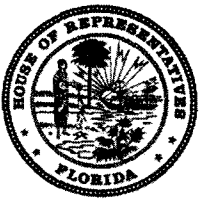
109 Remove everything before the enacting clause and insert:
110 An act relating to a sales tax refund for eligible job
111 training organizations; creating s. 212.099, F.S.;

112 providing definitions; authorizing eligible organizations



Amendment No. 1

113 to receive a refund of a specified amount of certain sales
114 taxes collected if such amount is used for certain purposes
115 relating to job training and employment services;
116 specifying the annual maximum allowable tax refund for such
117 organizations; providing requirements for receiving the
118 refund; authorizing the Department of Economic Opportunity
119 to certify organizations; authorizing the Department of
120 Revenue to audit, within a certain timeframe, any refund
121 issued; providing the applicable interest rate on
122 overpayments and payments to ineligible organizations;
123 providing that an eligible organizations comprised of
124 commonly owned and controlled entities is deemed to be a
125 single entity; requiring specified companies to provide an
126 annual report to the Department of Economic Opportunity;
127 providing an effective date.



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

W/S

<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>HB 725</u>	
Amendment Number: _____	

Name: Jennifer Hatfield

Representing: FL Swimming Pool Assoc.

Title: _____

Address: 411 Lenore Ct.

City: Rockledge State/Zip: FL 32955

Phone Number: 941-345-3263 Meeting Date: 1/23/18

Committee/Subcommittee: Careers? Competition

Presentation/Workshop Topic: _____

Registered Lobbyist: YES NO

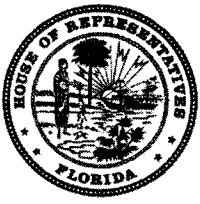
State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

u/s

Bill Amendment

Bill/PCS/PCB Number: HB 725

Amendment Number: _____

Name: Bruce Kerchner

Representing: Alabama AGC Northwest FL Section

Title: _____

Address: 231 West Bay Ave

City: Longwood State/Zip: FL 32750

Phone Number: 407 830 1882 Meeting Date: 1/23/18

Committee/Subcommittee: Careers & Competition

Presentation/Workshop Topic: Permit Fees

Registered Lobbyist: YES NO

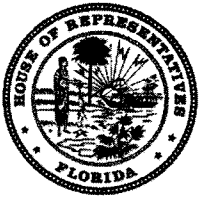
State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

W/S

<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>725</u>	
Amendment Number: _____	

Name: Carol Bowen

Representing: Associated Builders & Contractors

Title: Chief Lobbyist

Address: 3730 Coconut Creek Pkwy, Ste 200

City: Coconut Creek State/Zip: FL 33066

Phone Number: (954) 465-684 Meeting Date: 1/23/15

Committee/Subcommittee: Careers and Comp

Presentation/Workshop Topic: Permit Fee

Registered Lobbyist: YES NO

State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

5/3

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>725</u>	
Amendment Number: _____	

Name: Skylar Zander

Representing: Americans for Prosperity

Title: Deputy State Director

Address: 200 W College Ave Suite 109

City: Tally State/Zip: FL 32301

Phone Number: 850-728-4522 Meeting Date: 1/23/18

Committee/Subcommittee: _____

Presentation/Workshop Topic: _____

Registered Lobbyist: YES NO

State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill/Amendment selection box with checkboxes and handwritten number 725.

Name: Carol Bowen

Representing: Associated Builders & Contractors

Title: Chief Lobbyist

Address: 3930 Coconut Creek Parkway Ste 200

City: Coconut Creek State/Zip: FL 33066

Phone Number: (954) 465-6811 Meeting Date: 1/23/18

Committee/Subcommittee: Careers + Comp

Presentation/Workshop Topic: Permit Fees

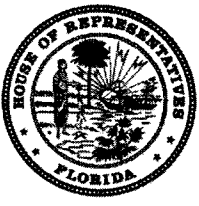
Registered Lobbyist: YES [checked] NO []

State Employee: YES [] NO [checked]

- I wish to speak [checked]
Appearing in response to an inquiry for information made by member, committee, or staff []
Appearing in response to subpoena []
Appearing at the written request of the chair []
Judge or elected officer appearing in official capacity []
Lobbyist Appearance form submitted online []

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [checked] Opponent [] Info only []
Amendment: Proponent [] Opponent [] Info only []



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

W/S

<input checked="" type="checkbox"/> Bill	<input checked="" type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>841</u>	
Amendment Number: <u>687459</u>	

Name: Sean Stafford

Representing: Associa

Title: _____

Address: _____

City: _____ State/Zip: _____

Phone Number: 727-5000 Meeting Date: _____

Committee/Subcommittee: _____

Presentation/Workshop Topic: Community Association

Registered Lobbyist: YES NO

State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

W/S

<input checked="" type="checkbox"/> Bill	<input checked="" type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>841</u>	
Amendment Number: <u>687459</u>	

Name: TRAVIS MOORE

Representing: Community Associations Institute

Title: _____

Address: P.O. Box 2020

City: St. Petersburg State/Zip: FL 33731

Phone Number: 727.421.6902 Meeting Date: 1/23/18

Committee/Subcommittee: Careers & Conf.

Presentation/Workshop Topic: _____

Registered Lobbyist: YES NO

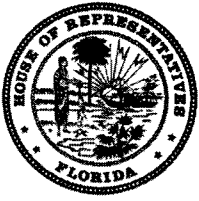
State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill [] Amendment [x]
Bill/PCS/PCB Number: 841
Amendment Number: 687459

Name: Mark Anderson

Representing: CEOMC

Title: Lobbyist

Address: 106 S. Mourne

City: Tallahassee State/Zip: FL 32309

Phone Number: 850-320-6659 Meeting Date:

Committee/Subcommittee: Careers Along

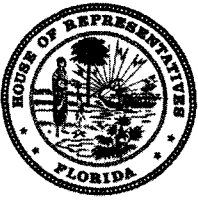
Presentation/Workshop Topic:

Registered Lobbyist: YES [x] NO []
State Employee: YES [] NO []

- I wish to speak [x]
Appearing in response to an inquiry for information made by member, committee, or staff []
Appearing in response to subpoena []
Appearing at the written request of the chair []
Judge or elected officer appearing in official capacity []
Lobbyist Appearance form submitted online []

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [x] Opponent [] Info only [x]
Amendment: Proponent [] Opponent [] Info only []



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

W/S

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>HB 1251</u>	
Amendment Number: _____	

Name: Jennifer Hatfield

Representing: FL Swimming Pool Assoc.

Title: _____

Address: 411 Lenore Ct.

City: Rockledge State/Zip: FL 32955

Phone Number: 941-345-3263 Meeting Date: 1/23/18

Committee/Subcommittee: Careers & Competition

Presentation/Workshop Topic: _____

Registered Lobbyist: YES NO

State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



54255102



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit two copies to the committee/subcommittee administrative assistant at the meeting.

<input checked="" type="checkbox"/> Bill <input type="checkbox"/> Amendment Bill Number: HB 1251 : Florida Construction Workforce Task Force Amendment: N/A

Name:	Shepp, David		
Representing:	Independent Electrical Contractors		
Title:	Lobbyist		
Address:	Po Box 10570		
City:	Tallahassee	State/Zip:	FL
Phone Number:	(850) 671-4401	Meeting Date:	January 23, 2018 8:00 AM
Committee/Subcommittee:	Careers & Competition Subcommittee		
Presentation/Workshop Topic:	N/A		

- Registered Lobbyist
- State Employee
- I Wish To Speak
- Appearing in response to subpoena
- Appearing in response to an inquiry for information made by member, committee or staff
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance Form Submitted

<u>Bill</u>
Waive In Support
<u>Amendment</u>
N/A



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill/PCB/PCB Number: 1251
Amendment Number:
Bill [X] Amendment []

Name: Cam FENRIS
Representing: Fla. Roofing + Sheet Metal Contractors Assn
Title: Leg. Counsel + Florida RACCA
Address: 1400 Village Sq # 3-243
City: Tall State/Zip: FL 32312
Phone Number: 850-222-2772 Meeting Date: 1-23-18
Committee/Subcommittee: CAREERS + COMPETITION
Presentation/Workshop Topic: CONSTRUCTION WORKFORCE

Registered Lobbyist: YES [X] NO []
State Employee: YES [] NO [X]

- I wish to speak [X]
Appearing in response to an inquiry for information made by member, committee, or staff []
Appearing in response to subpoena []
Appearing at the written request of the chair []
Judge or elected officer appearing in official capacity []
Lobbyist Appearance form submitted online []

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [X] Opponent [] Info only []
Amendment: Proponent [] Opponent [] Info only []



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Bill/Amendment selection box with checkboxes and handwritten number 1251.

Name: DOUG BUCK

Representing: FLORIDA HOME BUILDERS

Title:

Address: 2600 CENTUNEL PLACE

City: TALL State/Zip:

Phone Number: 850-251-1836 Meeting Date:

Committee/Subcommittee:

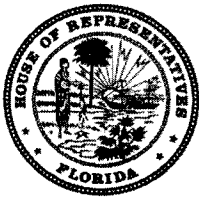
Presentation/Workshop Topic: WORK FORCE

Registered Lobbyist: YES [checked] NO []
State Employee: YES [] NO [checked]

- I wish to speak [checked]
Appearing in response to an inquiry for information made by member, committee, or staff []
Appearing in response to subpoena []
Appearing at the written request of the chair []
Judge or elected officer appearing in official capacity []
Lobbyist Appearance form submitted online []

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent [checked] Opponent [] Info only []
Amendment: Proponent [] Opponent [] Info only []



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/>	Bill	<input type="checkbox"/>	Amendment
Bill/PCS/PCB Number: <u>1251</u>			
Amendment Number: _____			

Name: Carol Bowen

Representing: Associated Builders and Contractors

Title: Chief Lobbyist

Address: 3730 Coconut Creek Parkway, Ste 200

City: Coconut Creek State/Zip: FL 33066

Phone Number: (954) 4105-6811 Meeting Date: 1/23/18

Committee/Subcommittee: Careers + Comp

Presentation/Workshop Topic: Construction Workforce Taskforce

Registered Lobbyist: YES NO

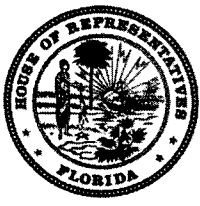
State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1285</u>	
Amendment Number: _____	

Name: Katie Crofoot

Representing: Florida Bankers Association

Title: Asst. VP of Govt Relations

Address: 1001 Thomasville Rd.

City: Tallahassee State/Zip: FL 32303

Phone Number: 850-224-2265 Meeting Date: 1/23/2018

Committee/Subcommittee: Careers + Competition

Presentation/Workshop Topic: _____

Registered Lobbyist: YES NO

State Employee: YES NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent Opponent Info only

Amendment: Proponent Opponent Info only