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NEWS FLASH - THE GOVERNOR APPROVED HOUSE BILL 841 ON FRIDAY, MARCH 23RD

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The following is a summary of the most recent changes to the legislation regarding community associations:

- Condominium Associations will be required to maintain official records identified in

718.111(12)(a)1-6 permanently since inception of the association, instead of the previously required seven (7) years, including the minutes of all meetings of the association (members meetings and board meetings), all developer permits, plans and warranties, and all governing documents and all amendments. All other official records must be maintained for a period of seven (7) years unless otherwise provided by general law.

- Official records requests for condominiums have been changed from 5 business days to 10 business days to comply. This now mirrors HOA's.
- The deadline for Condominium Associations managing condominiums of more than 150 units to maintain a website has been extended from July 1, 2018 to January 1, 2019. Additionally, that website must contain a list of all executor contracts or documents, and, once bidding has closed, a list of bids received by the association within the last year; summaries of all bids exceeding \$500 must be maintained on the website for one year, or, in lieu of summaries, the statute now provides that complete copies of the bids themselves may be posted.
- Condominiums with five (5) or fewer units must have a board of not less than three (3) members.
- Meeting notices where regular or special assessments are being considered by a condominium or cooperative association must specifically state that the assessment is being considered and provide an estimated cost and description of the purpose for the assessment. It also provides that the association, by rule, may adopt a procedure for posting meeting notices and agendas on its website for at least the minimum period of time that the notice is required to be posted on the property. Any such rule must include a requirement that an electronic notice be sent to all owners whose email addresses are included in the association's official records in the same manner as a notice for meeting of the members, and it must include a hyperlink to the website where the notice is posted. The new legislation provides that the burden for removing filters that block the receipt of mass emails sent to the members on behalf of the association (i.e., spam filters) is solely that of the unit owner who consents to receiving notices electronically.
- There is now an 8 year maximum term for all condominium board members, regardless of the length of their term, unless approved by an affirmative vote of unit

owners representing two-thirds of all votes cast in the election.

- The new legislation clarifies that a recall must be facially valid for the recall to be effective immediately upon the conclusion of the required noticed board meeting (the board meeting is still required to be had within 5 business days of the adjournment of the unit owner meeting for the recall), and provides that the board may challenge the facially validity of the recall. The statute also provides that a board member who successfully challenges the recall is entitled to recover reasonable attorney fees and costs from the respondents, and the arbitrator may award reasonable attorneys' fees and costs to a prevailing respondent if the arbitrator finds that the petitioner's claim was frivolous.
- The legislation amends section 718.113(2), to require that the 75% vote of the total voting interests of the association must approve material alterations or additions before the material alterations or substantial additions are commenced.
- The new legislation authorizes the installation of electronic vehicle charging stations in limited common element parking areas, provided the installation does not cause irreparable harm to the condominium property, the electricity used by the charging station must be separately metered and paid by the unit owner installing the charging station, the unit owner installing the charging station is responsible for all costs of installation, operation, maintenance, and repair of the charging station, including but not limited to hazard and liability insurance. Payment of such costs may be enforced by the Association per 718.116 (assessments and liens statute). The new legislation also identifies certain requirements that the association may impose on the installation.
- The procedure for imposing a fine or suspension for condominiums, cooperatives, and homeowners associations has been amended and establishes a due date for fines approved by the committee of five (5) days after the date of the committee meeting at which the fine is approved.
- The legislation provides that board members in a cooperative or homeowners association may communicate via email but may not vote by email (this already exists as to condominiums).
- The legislation amends the requirements for amendments to homeowners associations' governing documents to be the same that exist under the condominium

act.

- The legislation also provides that if a homeowners association is not required to have an election because there are either an equal number or fewer qualified candidates than vacancies, and if nominations from the floor are not required pursuant to the bylaws, write-in nominations are not permitted and the qualified candidates shall commence service on the board, regardless of whether a quorum is attained at the annual meeting.
- The legislation also amends the homeowners association payment application statute to clarify that the application of payments set forth in section 720.3085 applies notwithstanding section 673.3111, and purported accord and satisfaction, or any restrictive endorsement, designation, or instruction placed on the accompanying payment (this already exists as to condominiums).



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