



2015 Legislative Changes for Condominiums, Cooperatives, and Homeowner’s Associations

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Contents

Corporations Not For Profit Chapter 617, F.S.	2
Section 617.0721, F.S.	2
Condominiums Chapter 718, FS.....	2
Section 718.111, F.S.	2
Section 718.112, F.S.	2
Section 718.116, F.S.	2
Section 718.128, F.S.	3
Section 718.303, F.S.	3
Section 718.707, F.S.	3
Cooperatives Chapter 719, F.S.	4
Section 719.104, F.S.	4
Section 719.106, F.S.	4
Section 719.108, F.S.	4
Section 719.129, F.S.	4
Section 719.303, F.S.	4
Homeowner’s Associations Chapter 720, F.S.	5
Section 720.301, F.S.	5
Section 720.3015, F.S.	5
Section 720.305, F.S.	5
Section 720.306, F.S.	5
Section 720.317, F.S.	5

Corporations Not For Profit Chapter 617, F.S.

Section 617.0721, F.S.

A 2015 amendment to section 617.0721, F.S., allows a proxy holder to use a copy, facsimile transmission or other reliable reproduction of an original proxy for all proper purposes, provided the copy is complete.

[Click to read](#) the statute.

Condominiums Chapter 718, FS

Section 718.111, F.S.

Associations must maintain certain items that constitute the official records of the association and section 718.111(12)15, F.S. was amended to clarify that all other **written** records of an association not specifically included in the statute must be included if they are related to the operation of the association.

[Click to read](#) the statute.

Section 718.112, F.S.

Bylaws must contain certain provisions and section 718.112(2)(d)6, F.S. was amended eliminating a requirement that notice of meetings may be given by electronic transmission if authorized by the bylaws. The notices may now be given by electronic transmission to unit owners who have contented to receive notice electronically even if the bylaws do not address electronic notice. An amendment at 718.112(2)(f), F.S. requires that a proposed annual budget or estimated revenues and expenses include a minimum level of information to comply with expenses listed in section 718.504(21), F.S.

[Click to read](#) the statute.

Section 718.116, F.S.

Section 718.116(3), F.S. regarding the unpaid assessments was amended revising applicability with regard to section 673.3111. The amendment also provides that the administrative late fee, allowed in 718.116(3)(5)(b), F.S. is included in the lien right of the condominium association.

[Click to read](#) the statute.

Section 718.128, F.S.

A new section was added to Chapter 718 in 2015 and is found at 718.128, F.S., and allows condominium associations to conduct votes of the membership by electronic or internet-based online voting provided the unit owner consents to the system in writing. Requirements for utilizing an online voting system are also detailed in the new section.

[Click to read](#) the statute.

Section 718.303, F.S.

An amendment to section 718.303(3)(a), F.S., allows the board to levy a fine for an owner's failure to comply with any provision of the declaration and to receive notice of a hearing before a committee. Section 718.303(3)(b), F.S., was amended states that a fine or suspension levied by the board of administration may not be imposed without 14 days' written notice and an opportunity for hearing before a committee. The committee's only purpose is to confirm or reject the fine or suspension levied by the board. Section 718.303(4) added clarifying words regarding monetary obligations to include fee, fine or other monetary obligations. Section 718.303(5), F.S., includes new language regarding the suspended voting interest of a unit owner who has failed to pay monetary obligations for more than 90 days. A new paragraph was added to section 718.303 at (7) and allows any suspensions permitted within the section to apply to a member, the member's tenants, guests or invitees, even if the unit owner owns more than one unit.

[Click to read](#) the statute.

Section 718.707, F.S.

Section 718.707, F.S., was amended to extend the time limit for classification as bulk assignee or bulk buyer from July 2016 to July 2018.

[Click to read](#) the statute.

Cooperatives

Chapter 719, F.S.

Section 719.104, F.S.

Associations must maintain certain items that constitute the official records of the association and section 719.104(2)(a)13, F.S. was amended to clarify that all other **written** records of an association not specifically included in the statute must be included if they are related to the operation of the association.

[Click to read](#) the statute.

Section 719.106, F.S.

Bylaws must contain certain provisions and section 719.106(1)(d)3, F.S. was amended eliminating a requirement that notice of meetings may be given by electronic transmission if authorized by the bylaws. The notices may be given by electronic transmission to unit owners who have contented to receive notice electronically even if the bylaws do not address electronic notice..

[Click to read](#) the statute.

Section 719.108, F.S.

Section 719.108(3), F.S., was amended regarding the unpaid assessments, revising applicability with regard to section 673.3111, F.S. An amendment at 719.108(4) eliminated the word “authorized” before administrative late fees.

[Click to read](#) the statute.

Section 719.129, F.S.

A new section was added to Chapter 719 in 2015 and is found at 719.129, F.S., and allows cooperative associations to conduct votes of the membership by electronic or internet-based online voting provided the unit owner consents to the system in writing. Requirements for utilizing an online voting system are also detailed in the new section.

[Click to read](#) the statute.

Section 719.303, F.S.

An amendment to section 719.303(3), F.S., allows the board to levy a fine for an owner’s failure to comply with any provision of the declaration and to receive notice of a hearing before a committee. Section 719.303(3)(b), F.S., was amended states that a fine or suspension levied by the board of administration may not be imposed without 14 days’ written notice and an opportunity for hearing before a committee. The hearing must be before other unit owners who are not board members or persons residing in the owner’s household. The committee’s only purpose is to confirm or reject the fine or suspension levied by the board.

[Click to read](#) the statute.

Homeowner's Associations

Chapter 720, F.S.

Section 720.301, F.S.

An amendment to section 720.301(8), F.S., revises the definition of “Governing document” to include rules and regulations adopted under the authority of the declaration, articles of incorporation or bylaws and amendments.

[Click to read](#) the statute.

Section 720.3015, F.S.

A newly created section 720.3015, F.S. states that the chapter’s short title may be cited as the “Homeowner’s Association Act.”

[Click to read](#) the statute.

Section 720.305, F.S.

An amendment to section 720.305(2), F.S., clarifies that the board may levy reasonable fines that may not exceed \$100 per violation. Section 720.305(2)(b), F.S., requires the board of administration to provide the owners with at least 14 days’ written notice of a hearing before a committee before a suspension or fine are imposed. The committee’s only purpose is to confirm or reject the fine or suspension levied by the board. Section 720.303(3), F.S., was amended to include fee, fine or other monetary obligation in the description of delinquent payments and includes the prohibition against interfering with ingress and egress of an owner to his or her parcel. Section 720.305(4), F.S., includes new language regarding the suspended voting interest of a unit owner who has failed to pay monetary obligations for more than 90 days. A new paragraph was added to section 720.306 at (6) and allows any suspensions permitted within the section to apply to a member, the member’s tenants, guests or invitees, even if the unit owner owns more than one unit.

[Click to read](#) the statute.

Section 720.306, F.S.

Section 720.306(1)(b), F.S., was amended to include a new sentence that failing to provide a timely notice of the recoding of an amendment to a governing document of the association does not affect the validity or enforceability of the amendment. A lengthy amendment at section 720.306(9)(b), F.S., prohibits a person who is delinquent in the payment of any fee, fine or other monetary obligation from seeking election to the board. The requirement that a person be more than 90 days delinquent was eliminated from the statute. New language was added to the section revising requirements for the election of directors.

[Click to read](#) the statute.

Section 720.317, F.S.

A new section was added to Chapter 720 in 2015 and is found at 720.317, F.S., and allows homeowner’s associations to conduct votes of the membership by electronic or internet-based online voting provided the unit owner consents to the system in writing. Requirements for utilizing an online voting system are also detailed in the new section.

[Click to read](#) the statute.
