61B-23.001 Condominium Meetings.

(1) Definitions.

(a) "Board Meeting," "board of administration meeting," or "meeting of the board" means any gathering of the members of the board of directors, at which a quorum of the members is present for the purpose of conducting association business.

(b) "Committee meeting" means any gathering of a committee, at which a quorum of the committee members is present for the purpose of conducting association business, and has been properly appointed by the board to make recommendations to the board or take permissible action on behalf of the board.

(c) "Unit Owner Meeting" means a meeting of the members of the association at which a quorum is met and unit owners are entitled to attend and, when applicable, vote on matters properly before the membership as authorized under Chapter 718, Florida Statutes, the association's governing documents, or applicable law; and does not include a meeting of the board of administration, a committee meeting, or any other gathering that is not a meeting of the members of the association.

(d) "Quarter" means every three consecutive months.

(2) Video conference. Video conference is any platform capable of supporting simultaneous audio and visual communication. Video conference platforms include, but are not limited to, Zoom, GoTo Meeting, Microsoft Teams, Webex, and Google Meet. Any meeting conducted by video conference and open to unit owners must be recorded, regardless of if video or audio is disabled or becomes disabled, and such recordings must be maintained as official records of the association pursuant to section 718.111(12)(a), F.S. or as subsequently renumbered.

(3) Access to records. Subject to reasonable rules of the association, excluding meetings closed to unit owners and records deemed not accessible to unit owners by statute, unit owners shall have the right to inspect meeting materials, agreements, contracts, and all other documents being voted upon or on agenda for discussion, prior to any meeting being held. Any record or document made available electronically shall include, or be accompanied by, either a functional hyperlink granting access to the complete version of the record, or clear instructions on how the record may be accessed or obtained in its complete form.

(4) Notice of meetings. The notice for any meeting, for the purpose of conducting any association business, must comply with the following requirements:

(a) For meetings requiring unit owner vote, other than meetings for which specific notice requirements are prescribed by the governing documents or statute, the notice must be mailed, delivered, or electronically transmitted to each unit owner, and posted conspicuously on the condominium property at least 14 days in advance of the meeting. The notice shall:

1. Specify the procedures for voting in person, by proxy, or by other authorized means.

2. Advise that proxies, when permitted, must be signed, dated, and filed with the association before the vote is taken, unless otherwise provided by the governing documents.

3. Include, or be accompanied by, a ballot or voting instrument, and, if applicable, instructions for electronic voting.

(b) The notice must include the date, time, and location of the meeting, together with any applicable telephone number, conference code, passcode, password, or electronic link necessary for video conference participation, and shall contain a detailed agenda of all items to be considered. Each agenda must include:

1. Clearly identified agenda items for which a vote or action will be taken. The description of each matter must be sufficiently detailed to identify the subject of the proposed vote or action and may not consist of a vague, general, or single-word reference.

2. A designated period during which unit owners may ask questions and make comments, subject to written reasonable rules adopted by the association governing the frequency, duration, and manner of unit owner questions. Unit owners must be given an opportunity to speak and ask questions regarding each agenda item and ask questions concerning topics expressly addressed by statute. For items requiring a vote, the opportunity to speak must be given prior to the board taking a vote on that item.

(c) If the board will consider a contract, agreement, or proposal relating to, or proposed to be used in connection with, a special assessment, loan, or line of credit, that will require unit owner vote, or is subject to disclosure due to conflict of interests, the contract, agreement, or proposal shall be made available for inspection and copying by all members of the association, at least 14 days prior to the meeting, or concurrently with the meeting notice being issued, whichever occurs later.

(d) If a proposed annual budget of an association will be considered by the board or unit owners, the board shall hand deliver, mail, or electronically transmit the meeting notice and a copy of the proposed budget, and if applicable, a substitute budget, at least 14 days prior the meeting. The officer, manager, or other person providing notice required by section 718.112(2)(e), F.S., shall execute an affidavit evidencing compliance with section 718.112(2)(e), F.S.

(5) Notice of rescheduled meetings. Any rescheduled meeting must be renoticed following the procedures and notice requirements set forth in Chapter 718, Florida Statutes, and this rule chapter.

(6) Conduct of meetings. The association shall implement the following measures for all board of administration, committee, and unit owner meetings:

(a) For the purposes of establishing a quorum at any association meeting, written joinders or absentee ballots submitted by unit owners and/or board members shall not be utilized to establish a quorum.

(b) Unit owners, their authorized representatives, and the Division have the right to attend and observe all board of administration meetings, all unit owner meetings, and any committee or other meetings of the association or unit owners, unless explicitly restricted or exempted by statute.

(c) All rules adopted by the association governing the frequency, duration, and manner of unit owner participation must be applied uniformly.

(d) Any unit owner may audio or video record meetings of the board of administration, committee meetings, or unit owner meetings, subject to the following restrictions:

1.The audio and video equipment and devices unit owners utilize at any such meeting do not produce distracting sound or light emissions.

2. If adopted in advance by the board or unit owners as a written rule, anyone utilizing audio or video equipment shall:

a. Give prior notice to the board, excluding unobtrusive personal handheld devices such as a cellphone,

b. Assemble and place equipment in designated areas prior to commencement of the meeting.

c. Not be permitted to move about while the meeting is in session.

3. No association rule shall prohibit a unit owner from making an audio or video recording, nor impose restrictions so burdensome as to effectively preclude recording.

(e) Meetings held via video conference, telephone, or similar real-time electronic media shall be conducted in a manner reasonably designed to permit all unit owners to participate. For purposes of this paragraph, "reasonably designed" means utilizing procedures and technology that are objectively adequate to provide unit owners a meaningful opportunity to attend, observe, speak when authorized by law, and vote when permitted, including but not limited to the use of microphones and speakers.

(f) Subject to reasonable rules of procedure adopted by the board, any unit owner shall have the right to speak with respect to all agenda items. Unit owners shall also have the right to ask questions concerning topics expressly addressed by statute, including but not limited to, reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The right to speak and ask questions shall be permitted whether physically present or participating by authorized electronic means. This right applies to all meetings of the board of administration and committees. A summation of the questions and responses, whether verbal or in writing, must be included in the meeting minutes.

(g) The board shall make a good faith effort to provide accurate and responsive answers to questions posed by the unit owners. For purposes of this section, a “good faith effort” means an honest, reasonable, and diligent response. A response is reasonable if it is objectively appropriate under the circumstances based on the material information available at the time and does not omit or misrepresent material facts. A perfect or exhaustive response is not required, but should address the substance of the question. A good faith effort also requires disclosure of any known limitations, uncertainties, or unavailable information relevant to the response.

(h) Unless otherwise prohibited by statute, unit owners may vote electronically, by limited proxy, in person, or by video conference if the meeting is conducted via video conference.

(i) Should a board or committee member attending by video conference, telephone, or similar real-time electronic or video communication become disconnected from the meeting, the meeting minutes shall state the approximate period of the board or committee member’s absence. If any technical failure materially disrupts the quorum requirement, the meeting shall be paused until the failure is resolved and/or quorum is restored. If the association is unable to resolve the failure within a reasonable amount of time, the meeting shall be adjourned and rescheduled with proper notice.

(j) The meeting minutes for any meeting held by video conference or similar real-time electronic or video communication shall reflect the method by which the meeting was conducted, identify any disruptions, and identify the board or committee member(s), if any, who attended the meeting via video conference or similar real-time electronic or video communication.

(7) Division representative attendance at meeting. When requesting the Division’s attendance at a meeting, the requestor must complete the Division’s online request form and submit the request with as much advanced notice as possible.

(8) Where the declaration, articles of incorporation, or bylaws preclude non-unit owners from serving on the association's board of administration, one acting under a power of attorney from a unit owner is similarly precluded from serving on the board unless he or she is a unit owner.

Rulemaking Authority 718.112(2)(b)5., 718.112(2)(c), 718.112(2)(d), 718.501(1)(g) FS. Law Implemented 718.111(1), 718.112(2) FS. History–New 7-22-80, Amended 7-6-81, 8-31-83, 12-4-83, 10-1-85, Formerly 7D-23.01, Amended 1-27-87, 9-7-88, 7-17-91, 12-20-92, Formerly 7D-23.001, Amended 2-22-94, 4-14-99, 11-30-26.